

TREASURY DEPARTMENT
UNITED STATES PUBLIC HEALTH SERVICE
HUGH S. CUMMING, SURGEON GENERAL

**STATE LAWS AND REGULATIONS
PERTAINING TO PUBLIC HEALTH**

1919

COMPILED BY

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United States Public Health Service

SUPPLEMENT No. 42

TO THE

PUBLIC HEALTH REPORTS



WASHINGTON
GOVERNMENT PRINTING OFFICE
1922

MAR 10 '23

UNITED STATES PUBLIC HEALTH SERVICE.

HUGH S. CUMMING, *Surgeon General.*

DIVISION OF SANITARY REPORTS AND STATISTICS.

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The PUBLIC HEALTH REPORTS are issued weekly by the United States Public Health Service through its Division of Sanitary Reports and Statistics, pursuant to acts of Congress approved February 15, 1893, and August 14, 1912.

They contain: (1) Current information of the prevalence and geographic distribution of preventable diseases in the United States in so far as data are obtainable, and of cholera, plague, smallpox, typhus fever, yellow fever, and other communicable diseases throughout the world. (2) Articles relating to the cause, prevention, or control of disease. (3) Other pertinent information regarding sanitation and the conservation of the public health.

The PUBLIC HEALTH REPORTS are intended primarily for distribution to health officers, members of boards or departments of health, and those directly or indirectly engaged in or connected with public health or sanitary work. Articles of general or special interest are issued as reprints from the PUBLIC HEALTH REPORTS or as supplements, and in these forms are available for general distribution to those desiring them.

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CONTENTS.

For arrangement of matter by subjects, consult the index.

Alabama:

Page.

State and local health authorities—Appointment, powers, and duties. Midwifery—Regulation. Births and deaths—Registration. Water supplies—Supervision and regulation—Analysis. Communicable diseases—Notification of cases—Investigation and control—Notification of cases of occupational diseases. Venereal diseases—Notification of cases—Physicians only allowed to treat patients—Prescriptions not to be refilled—Circular of information to be furnished patient—Compulsory treatment—Isolation and quarantine—Examination and treatment of prisoners—Medicine to be sold only on physician's prescription—Dates of treatment to be recorded by physicians—Prevention of spread—Advertisements prohibited—Maintenance of dispensaries—Unlawful for infected person to expose others to infection—Suppression of prostitution—Examination of prostitutes—Issuance of certificates of freedom from venereal diseases. Ophthalmia neonatorum—Prevention. Barber shops—Sanitary regulation. Common drinking cups and common towels—Prohibited in public places. Malaria—Prevention of—Drainage of pits, cuts, and fills likely to impound water. Privies—Maintenance—Installation. Nuisances—Definition—Abatement—Destruction. Places where food is sold—Inspection and regulation—Closing. State board of health—Appropriations.....	1
Influenza—Congress requested to make an appropriation for investigation of.....	28
Rabies—Free treatment for indigent persons at Pasteur Institute—Muzzling and confining of dogs.....	28
State laboratory and Pasteur Institute—Erection and equipment....	28
Tuberculous prisoners and prisoners requiring hospital care—Segregation and treatment.....	29
State tuberculosis commission—Annual appropriation for support and maintenance of.....	30
State tuberculosis hospital—Sale of present site—Governor authorized to provide another site.....	30
Marriage—Examination for venereal disease of male applicants for license to marry—Certificate of health required.....	30
United States quarantine station—Grant of land authorized for establishment and maintenance of.....	31
Dairy and food inspection—Municipalities may contract with each other for.....	32
Food—Definition—Adulteration. Food and drugs—Misbranding.....	32

Alabama—Continued.	Page.
Hotels and restaurants—Sanitary requirements—Inspection—Posting of certificates—Correction of insanitary conditions—Appointment, powers, and duties of State hotel and café inspector and assistant inspectors—Regulations authorized.....	33
Schools—Sanitation. Pupils—Physical examination—Protection of health. Cooperation of education authorities with health authorities.....	36
Children—Employment in certain occupations prohibited—Sanitary requirements and inspection of establishments where employed....	37
Child welfare department—Establishment, powers, and duties—Supervision of maternity hospitals and lying-in homes.....	38
Mental defectives—Treatment and sterilization.....	39
Nuisances—Municipalities may abate or enjoin.....	39
Sewers—Acquisition by certain cities of interests in land for purpose of making connections with.....	39
Railroad or railway passenger cars—Windows required to be screened.....	39
Issuance and sale of bonds by municipal corporations for certain public health purposes.....	40
Dead animals—Bodies to be burned or buried.....	40
Alaska:	
Commissioner of health, assistant commissioners of health, and local boards of health—Appointment and powers. Communicable diseases—Notification of cases—Isolation—Quarantine—Placarding—Disinfection—Attendance at schools and other places—Venereal diseases.....	41
Influenza and similar diseases—Regulations to prevent spread of, authorized—Powers and duties of health authorities.....	44
Communicable disease epidemics—Elections in incorporated towns may be postponed on account of.....	45
Animals—Importation and transportation—Inspection—Quarantine—Destruction.....	46
Factories, canneries, etc.—Refuse disposal—Construction of floors—Drinking water—Wash rooms—Toilets—Heating—Powers and duties of labor commissioner.....	47
Arizona:	
Influenza and pneumonia epidemics—Payment of expenses of, by counties.....	49
County tuberculosis hospitals—Establishment—Treatment of patients.....	49
Milk and milk products—Production, care, and sale.....	49
Rubbish, refuse, etc.—Depositing within one mile of limits of incorporated municipalities prohibited.....	52
Smelters, refineries, and foundries—Wash rooms, shower baths, and water-closets to be provided.....	52
Advertisements—False, deceptive, or misleading, prohibited.....	53
Arkansas:	
Tuberculosis—Teachers required to have certificates of health showing freedom from—Physical and sputum examinations.....	55
Factories and other places where six or more men and women are employed—Toilets, wash rooms, and lunch rooms.....	55
Coal mines employing 10 or more persons—Wash houses required—Shower baths and lockers.....	56

California :

	Page.
Lethargic encephalitis—Notification of cases.....	57
Venereal diseases and other sexual ailments—Advertisements relating to, prohibited.....	57
Tuberculosis hospitals or wards—Establishment and maintenance by cities, counties, cities and counties, and groups of counties—State aid.....	57
Bureau of child hygiene—Establishment, maintenance, and powers.....	59
Sanitary districts—Organization, reorganization, operation, and dissolution—Taxes—Bonds—Powers of sanitary boards.....	59
Public health nurses in cities and towns—Employment and duties.....	74
Public health nurses in counties—Employment and duties.....	74
Trained attendants to care for the sick—Examination and licensing.....	75
Pupils—Supervision of the health and physical development of.....	76
School buildings—Correction of defects in.....	76
Milk—Requirements for grade B—Pasteurization.....	77
Imitation milk—Manufacture, sale, and use.....	79
Milk and cream containers—Marking, cleanliness, and handling.....	81
Assembled dairy products—Production and labeling.....	81
Food and liquor—Standard of purity—Procedure when act is violated.....	82
Sulphur for sulphuring fruits or other foods—Regulation of sale and use.....	83
Water supplies—Prevention of pollution—Analyses—Cross connections.....	84
Births, deaths, and marriages—Registration.....	84
Death certificates—Correction of errors on.....	87
Dead bodies—Removal.....	88
Sewers, water mains, etc.—Construction and maintenance jointly by municipalities or sanitary districts.....	88
Public health work—Counties and municipalities may contract with each other to secure performance of.....	90
Public swimming pools and appurtenances—Construction and operation.....	90
Camps where five or more persons are employed—Sanitary regulation.....	93

Colorado :

Venereal diseases—Notification of cases—Unlawful for infected persons to expose others to infection—Medicine to be sold only on physician's prescription—Reports by druggists—Examination of persons suspected of being infected—Treatment—Isolation and quarantine—Repression of prostitution—Examination and treatment of prisoners—Regulations by State board of health authorized—Establishment of a venereal disease division in the State board of health.....	95
Venereal diseases—Notification of cases—Notification of cases of ophthalmia neonatorum—Records to be kept by physicians—Unlawful for infected persons to expose others to infection—Information to be given patients—Laboratory examinations—Reports by local health officers—Reports by druggists—Medicine to be sold only on physician's prescription—Duties of dentists—Powers and duties of health officers—Examination and treatment of prisoners and inmates of charitable institutions—Prohibited occupations—Clinics—Placarding premises of infected prostitutes—Removal of prostitutes—Repression of prostitution—Cooperation of health authorities with United States Public Health Service.....	97

Colorado—Continued.	Page.
State detention home for women suffering with venereal diseases— Establishment and maintenance—Commitment and treatment of infected women-----	104
Habit-forming drugs—Sale and dispensing-----	105
Connecticut:	
Communicable diseases—Prevention of introduction into State-----	106
Cholera and yellow fever—Law allowing extra expenditures in case of epidemics of, repealed-----	106
Inmates of prisons and other institutions—Examination and treat- ment for malignant or communicable diseases-----	106
Prostitution, lewdness, or assignation—Examination and treatment for venereal diseases of persons convicted of-----	107
Venereal diseases—Exhibition of stereopticon views or motion pic- tures relating to—Permit from State commissioner of health re- quired-----	107
Antitoxins and other biologic products—State department of health to procure and distribute to local health officers for free use in certain cases-----	107
Bacteriological laboratory—Establishment and control by State de- partment of health-----	107
Laboratory building—Erection and maintenance for joint use of State department of health and Connecticut Agricultural Experi- ment Station-----	108
Mosquito-breeding areas—Drainage and treatment-----	108
Private tuberculosis sanatoriums receiving State aid—Inspection and maintenance-----	109
Public health council—Number, qualifications, appointment, and ex- penses of members-----	109
State commissioner of health—Powers and duties-----	109
State department of health—To remain as established—How con- stituted-----	110
State department of health—Bureaus of-----	110
State department of health—Annual report-----	110
Gifts of money and property—Receipt and use by State department of health-----	110
Local health officers—Appointment to be filed with State commis- sioner of health—Official oath required-----	111
Ice cream—Manufacture and sale—When deemed adulterated-----	111
Anthrax in animals—Prevention and control-----	112
Glanders and farcy—Prevention and suppression—Examination, quarantine, and destruction of animals-----	112
Domestic animals—Hog cholera and hemorrhagic septicemia—Pre- vention and control-----	113
Animals—Quarantine when believed to be infected with communi- cable disease-----	114
Diseased cattle—Rewards for conviction of persons bringing into State-----	114
Cattle—Tuberculin test—Eradication of tuberculosis-----	114
Cattle—Bringing into State—Certificates of health—Quarantine, examination, and testing—Destruction when diseased-----	115
Tuberculin—Sale—Reports by persons using—Sale of cows known to have reacted to tuberculin test-----	116

Connecticut—Continued.

	Page.
Water supplies—Pollution—Investigation and prevention-----	116
Pollution of waters of the State—Investigation-----	117
Water and ice supplies—Investigation and protection-----	117
Stream pollution—Investigations and experiments—Law authorizing payments for, repealed-----	117
Tenement houses—Water-closets—Number—Ventilation of rooms containing-----	117
Factories and buildings where persons are employed—Toilet accommodations to be provided and kept in sanitary condition-----	118
Births—Registration-----	118
Deaths—Registration. Communicable diseases—Burial. Burial permits—Issuance-----	118
Dental hygienists—Employment to clean and keep clean teeth of school children-----	119
Shuttles—Appliances for threading required-----	119
Inmates of certain State institutions—Sterilization-----	120
Persons licensed to practice the healing arts—Annual registration with State department of health-----	120

Delaware:

Influenza—Made reportable-----	121
Paratyphoid fever—Made reportable-----	121
Certain communicable diseases occurring outside of incorporated cities or towns—Notification of cases—Quarantine—Placarding—State board of health may add other communicable diseases to those listed-----	121
Smallpox—Free vaccination for indigent persons-----	122
Typhoid fever—Free vaccination for indigent persons-----	122
Tuberculosis—Made reportable—Infected persons must take precautions to prevent infection of others—Hospitalization, quarantine, and placarding-----	122
Tuberculosis—Care of colored patients—Erection and equipment of additional hospital building-----	122
Rabies—Killing of dogs that have bitten persons—Local boards of health to be notified regarding animals infected or suspected of being infected-----	123
Venereal diseases—Notification of cases—Unlawful for infected persons to expose others to infection—Examination and detention of persons suspected of being infected—Treatment—Isolation—Quarantine—Repression of prostitution—Examination and treatment of prisoners—Regulations by State board of health—Annual appropriation-----	123
Venereal diseases—Notification of cases—Reports of termination of cases—Records and reports by druggists—Reports confidential—Copy of rules and circular of information to be given patient—Diagnosis—Reports to military and naval authorities—Treatment for indigent persons—Isolation—Prohibited occupations—Hospitalization—Periods of infectiousness—Duties of local health authorities—Placarding—Removal of infected persons to other health jurisdictions—Examination, quarantine, and treatment of inmates of institutions-----	124
Venereal diseases—Free treatment-----	129
Prostitution, lewdness, and assignation—Examination and treatment for venereal diseases of persons convicted of-----	130

Delaware—Continued.

	Page.
Pathological and bacteriological laboratory—Annual appropriation.....	130
State board of health—Ordinary and emergency expenses of—Required to take all needful measures in case of actual or threatened epidemic.....	130
Issuance of certificates by the medical council—State board of health to be notified.....	131
Issuance of certificates to undertakers or undertakers' assistants—State board of health to be notified.....	131
Local boards of health—Annual report of activities to be filed with State board of health.....	131
Milk and cream—Production, handling, and sale. Ice cream—Grade of milk and cream used in.....	131
Foodstuffs—Protection from contamination.....	133
Utensils used in public eating and drinking places—Sterilization.....	133
Fly-breeding and mosquito-breeding places prohibited.....	133
Habit-forming drugs—Possession, sale, and dispensing—Commitment of drug addicts—Revocation of licenses of physicians, dentists, veterinarians, pharmacists, and nurses—Possession and sale of hypodermic instruments.....	133
Privies—Required to be fly proof.....	139
Privies—Prohibited where sewer connections are possible—Required to be fly proof.....	139
Births, deaths, and marriages—Registration—Burial permits.....	139
Barber shops, barber schools, public bathrooms, and public bath-houses—Sanitary regulation.....	142

Florida:

Communicable diseases—Notification of cases.....	144
Venereal diseases—Notification of cases—Unlawful for infected persons to expose others to infection—Sexual intercourse by infected persons unlawful—Examination of suspected persons—Treatment—Isolation—Examination, treatment, and isolation of prisoners—Regulations by State board of health—Reports to be confidential—Donations by counties and municipalities to State board of health authorized.....	147
Dead bodies—Transportation.....	149
Assistant State health officer—Law authorizing employment of, repealed.....	150
State board of health—Required to make and publish necessary regulations.....	150
State board of health—Headquarters in Jacksonville—Residence of State health officer.....	150
Public health train—Sale.....	150
Contents of the human body or contents of the carcass of a domestic animal—Analysis of, by State board of health to detect foreign matter or poisonous drugs.....	151
Milk—Production and handling.....	151
Places where foods, ice cream, or soft drinks are prepared or sold—Screening required—Placarding insanitary places.....	152
Foodstuffs—Preparation and sale—Approval of premises.....	153
Mineral, carbonated, spring, or natural waters—Manufacture, importation, or bottling.....	153
Water treatment plants—Records of operation of plants to be submitted to State board of health.....	154

Florida—Continued.

Sewage-treatment plants—Names of operators to be furnished State board of health.....	154
Surface closets and privies—Required to be fly proof and to conform with plans approved by State board of health.....	154
Privies—Types recommended and approved by State board of health.....	154
Swimming pools, bathing and swimming places, and bathhouses—Permits for construction, operation, or maintenance—Examination and investigation—Regulations by State board of health authorized—When deemed nuisances	155

Georgia :

Pupils—Vaccination. Health regulations—County and city boards of health authorized to adopt. Communicable diseases—Isolation—Quarantine—Disinfection.....	157
Venereal disease control—Authorized deputies of State board of health—Taking over portions of prisons for hospital purposes—Labor by isolated persons—Laboratory tests—Quarantined persons may have additional examination to determine fact of infection—Advertisements prohibited—Form for release from quarantine.....	158
State board of health—Reports to, by board of public welfare.....	160
Births and deaths—Registration.....	160
Burial permits—Issuance when immediate burial is necessary. Birth and death certificates—Filing in registration districts other than where births or deaths occurred.....	160
Training school for mental defectives—Establishment, management, and operation—Commitment of persons to—Treatment and discharge of patients.....	161

Hawaii :

Tuberculosis—Change of address of infected person to be reported.....	165
Board of health—Authorized to make regulations.....	165
Milk and ice cream—When deemed adulterated. Frozen dairy products made in the semblance of ice cream—Manufacture and sale.....	165
Sausage—Manufacture and sale.....	166
Bovine tuberculosis—Prevention and eradication—Tuberculin tests, appraisal, and slaughter of cattle—Indemnification of owners of destroyed cattle.....	167
Soda fountains and ice-cream parlors—Sterilization of utensils.....	168
Jelly containers, soda-water bottles, and milk bottles—Sterilization.....	169
Wrapping of merchandise and food—Use of newspapers prohibited.....	169
Births, deaths, and marriages—Filing and binding records of.....	169
Nuisances or other things detrimental to public health—Abatement.....	169
Wood alcohol or preparations containing wood alcohol—Labeling of containers in which offered for sale.....	170

Idaho :

Communicable diseases—Notification of cases—Quarantine—Quarantine guards—Isolation—Placarding — Disinfection — Preventive measures.....	171
Tuberculosis hospital districts—Creation. State tuberculosis commission—Creation, appointment, compensation, powers, and duties. Tuberculosis hospitals—Construction, equipment, and maintenance—Powers and duties of medical directors—Admission, treatment, and maintenance of patients.....	172
Civil administrative code—Public health activities placed under department of public welfare.....	176

Idaho—Continued.	Page.
Bureau of child hygiene—Creation and duties.....	180
Graduate trained nurses—Counties authorized to employ—Duties and salary.....	181
Tuberculosis in cattle—Eradication—Appraisal of animals to be destroyed—Indemnification of owners.....	181
Communicable diseases in animals—Notification of cases—Prevention and eradication—Quarantine—Importation of animals into State—Tuberculin and mallein tests—Indemnification of owners for animals destroyed.....	182
Illinois:	
Influenza—Notification of cases—Placarding—Isolation—Precautionary and preventive measures—Quarantine—Instructions by physicians—Removals—Cleaning of premises—Spitting in public places—Funerals.....	186
Venereal diseases—Segregation and treatment of infected persons by cities and counties—Examination, segregation, and treatment of persons charged with crime.....	188
Emergency created by epidemic—Cities and villages authorized to make necessary expenditures to meet.....	188
Health promotion weeks—Designation and purpose.....	189
Tuberculosis hospitals—Establishment and maintenance by cities and villages.....	189
Tuberculosis hospitals in cities and villages of less than 100,000—Tax levy for support of.....	190
Public health districts—Powers and duties of boards of health.....	190
Milk, cream, ice cream, and other foodstuffs—Definitions and standards. Ice cream and other frozen products—Manufacture and sale.....	191
Eggs—Candling and sale. Egg breaking establishments—Licensing.....	193
Waters of the State—Prevention of pollution.....	195
Cattle—Tuberculin tests—Appraisal and destruction when tuberculous—Indemnification of owners for animals destroyed.....	196
Sanitary districts—Organization of certain districts legalized and validated.....	197
Sanitary districts—Boards of trustees authorized to levy and collect taxes.....	197
Sanitary districts—Prevention of pollution of water supplies—Filling vacancy in board of trustees.....	198
Sanitary districts—Powers and duties of boards of trustees.....	199
Sanitary districts—Boards of trustees authorized to levy and collect taxes.....	201
Garbage—Collection and disposal—Cities and villages of less than 100,000 may levy a tax to provide for.....	201
Bedding—Making, remaking, labeling, and sale.....	201
Wash room requirements in certain employments.....	203
Public comfort stations—Establishment, equipment, and maintenance in cities, incorporated towns, townships, and villages.....	203
Indiana:	
Diphtheria and tetanus antitoxin—Free distribution to indigent persons.....	205
Rabies—State fund.....	206
State tuberculosis hospital—Establishment—Appointment, compensation, powers, and duties of trustees—Inspection by State board of health.....	206

Indiana—Continued.

	Page.
County tuberculosis hospitals—Procedure when additional money is necessary for the establishment of.....	207
School buildings—Appeals from decisions of State board of health relating to the building, changing, or condemnation of.....	208
Boards of health in cities of the first class—Tax levy, sale of bonds, etc., for purposes of—Tax levy for treatment and prevention of tuberculosis.....	209
Milk and milk products—Production, handling, and sale.....	209
Cream-buying stations—Sanitary regulation.....	211
Bakeries—Sanitary regulation—Certificates of health from employees—Manufacture, handling, and sale of bakery products.....	212
Eggs—Candling—When deemed unfit for human food.....	215
Poultry—Picking and chilling—Sale when water soaked prohibited.....	216
Ice cream—Manufacture.....	216
Public eating places—Sanitary regulation—Sterilization of utensils—Health certificates from employees.....	216
Lunch and refreshment stands at fairs, carnivals, etc.—Sanitary regulation.....	218
Food containers—Not to be sold to junk dealers or dealers in second-hand bottles.....	218
Waters of the State—Prevention of pollution.....	218
Drinking, bottled, or mineral water—Analysis—Sale and use unlawful when deleterious to health.....	219
Cattle—Control and eradication of tuberculosis in—Tuberculin tests—Appraisal and slaughter of tuberculous animals—Indemnification of owners for animals destroyed.....	219
Dead animals—Disposal of.....	221
Sanitary districts—Appointment, powers, and duties of trustees—Sewage, garbage, and rubbish disposal—Issuance of bonds—Contracts—Taxes—Annual report of trustees.....	222
School health fund in certain cities—Special tax to create.....	226
Maternity hospitals, boarding houses for infants, and placing of infants—Regulations governing to be made—Revocation of licenses.....	226
Commission on child welfare and social insurance—Appointment, powers, and duties.....	227
Noxious gases—Gas masks to be supplied workmen for protection from.....	227

Iowa :

Communicable diseases—Placarding.....	228
Influenza and other communicable diseases—Made quarantinable.....	229
Influenza—Quarantine.....	229
Tuberculosis—Care and treatment of persons afflicted with.....	229
Venereal diseases—Notification of cases—Circular of information and copy of act to be furnished patient—Reports and records to be confidential—Powers and duties of local boards of health and local health officers—Examination of persons suspected of being infected—Isolation—Internment—Quarantine—Suppression of prostitution—Officers prohibited from issuing certificates of freedom from venereal diseases—Establishment, equipment, and maintenance of county detention hospitals—Treatment—Giving of bond or cash guaranty in lieu of quarantine—Intercourse by infected persons unlawful—Records and reports of sales of medicine—Penalty for failure of physicians to report cases—Appropriations.....	230

Iowa—Continued.	Page.
Communicable disease hospitals—Establishment in certain counties	235
State tuberculosis hospital—Officers and employees—Admission of patients—Provision of law relating to examining physicians repealed	235
County public hospitals—Appointment of trustees—Maintenance—Tuberculosis department—Communicable disease department—Formulation of regulations to prevent spread of communicable diseases—Care of tuberculous patients at expense of county—Name. Tuberculosis—Commitment to institutions of persons afflicted with, who do not protect others	236
Dental clinics for school children—Establishment and maintenance authorized. Courses of instruction on mouth hygiene for school children authorized	237
State board of health—Annual appropriations	237
Local boards of health—Health physician made member	238
Public health nurses—Employment and duties	238
Communicable diseases of animals—Prevention, suppression, control, and eradication. Tuberculin testing of cattle—Indemnification of owner for animals slaughtered—Sale and use of tuberculin	239
Milk, skimmed milk, and cream—Sale—When deemed adulterated or misbranded. Imitation evaporated milk and imitation ice cream—Sale—Labeling. Milk dealers and persons operating creameries, milk plants, etc.—Required to maintain premises and utensils in sanitary condition—Reports by	242
Eggs—Sale—Candling	244
Sewer connections	245
Plumbing—Adoption by certain cities and by the State board of health of rules governing—Examination and licensing of plumbers	245
Housing law	247
Hotels—Sanitary regulation	265
Hotels—Certain provisions of law not applicable to	266
Dead animals—Business of disposing of bodies of—License—Sanitary regulation	267
Kansas:	
Influenza—Notification of cases—Placarding—Isolation—Quarantine	270
Communicable diseases—Control, suppression, and prevention in certain cities—Payment of expenses incurred	270
Venereal diseases—Notification of cases—Circular of instructions to be furnished patient—Reports to State board of health of sales by druggists of remedies—Infected persons prohibited from being served in certain places—Prohibited occupations—Travel or change of residence by infected persons—Examination of persons suspected of being infected—Isolation—Quarantine—Additional examination to confirm diagnosis—Suppression of prostitution—Local health officers not to issue certificates of freedom from venereal diseases—Records to be confidential	271
Venereal diseases—Procedure to be followed by local health officers when informed of the existence of cases	275
Venereal diseases—State quarantine camp for men—Regulations governing	277
Venereal diseases—Employment in schools of persons afflicted with, prohibited	277

Kansas—Continued.

	Page.
State board of health—Officers and employees—Appointment and salaries. Hotel commissioner—To assist in enforcement of certain orders of State board of health.....	277
Public health nursing associations—Tax in certain cities authorized for purpose of raising fund for maintenance of.....	278
Pupils—Free annual dental inspection.....	278
Tuberculin test—Regulation—Duties of State live-stock sanitary commissioner.....	279
Dairy herds—Cities may require examination and test for tuberculosis.....	279
Public eating and drinking utensils—Sterilization.....	280
Water supplies—Exclusion from, of salt water or water containing minerals in appreciable quantities.....	280
Common drinking cups—Prohibited in public places.....	280
Common towels—Prohibited in public places.....	280
Sewage disposal plants—Special tax for maintenance and operation of, in cities under 50,000.....	281
Garbage—Collection and disposal of, in second-class cities.....	281
Stillbirth—Definition. Birth and death certificates—How written...	281
Mental defectives—Marriage of.....	281
Maternity hospitals or homes and homes for infants or children—Licenses—Regulation—Inspection.....	282
Weeds and obnoxious growths of vegetation—Cutting and destruction—Board of commissioners in first-class cities may provide for and require	285

Kentucky :

Communicable diseases—Notification of cases—Incubation periods—Cultures in suspected diphtheria cases—Free antitoxin or vaccine—Samples of blood to be taken in suspected typhoid or paratyphoid fever cases—Isolation—Quarantine—Hospitalization—Removal of infected persons or contaminated articles—Interference with health officials prohibited—Disinfection and disposal of discharges—Precautions by physicians and attendants—Distribution of circulars of information and copies of regulations—Placarding—Prevention of spread in institutions—Isolation wards in institutions for children—Exposure of infected persons—Needless exposure to communicable diseases prohibited—Attendance at schools or gatherings—Hospitalization, isolation, quarantine, and vaccination in smallpox cases—Food handling regulated—Carriers—Procedure in tuberculosis cases—Cleaning, renovation, and disinfection—Destruction of certain contaminated articles—Occupation of rooms previously occupied by infected persons—Duties of common carriers during epidemics—Duties of undertakers—Funerals.....	286
Venereal diseases—Notification of cases—Circular of information and instructions to be given patient—Examination of persons suspected of being infected—Laboratory examinations—Quarantine—Prescribing or compounding medicine—Unlawful for infected persons to expose others to infection—Repression of prostitution—Issuance of certificates of freedom from venereal diseases—Records to be confidential	297
Smallpox vaccination—Required before child becomes one year of age—Employees—Teachers and pupils—How done.....	300

Kentucky—Continued.**Page.**

Local health officers—Appointment, duties, and compensation—Sanitary surveys by. Nuisances—Abatement. Human excrement or other refuse—Disposal. Schools, theaters, and other buildings—Sanitary supervision of, by local boards of health-----	300
Milk and cream—Production, handling, and sale. Soft drinks—Keeping and sale—Receptacles. Ice cream—Receptacles-----	301
Bakeries—Construction and sanitary regulation—Employees. Bakery products—Manufacture, handling, and sale-----	308
Meat and meat-food products—Preparation and sale—Sanitary regulation of slaughtering and slaughterhouses-----	310
Eggs—Handling, storing, packing, and sale-----	314
Water supplies and sewerage systems—Installation or alteration—Approval of plans and specifications—Prevention of pollution of water supplies-----	315
Drugs—Standards—Labeling—Adulteration and misbranding-----	315
Food and drug act—Enforcement of portion relating to drugs-----	317
Common towels, common drinking cups, and common eating and drinking utensils—Prohibited in public places-----	317
Spitting—Prohibited in public places. Coughing and sneezing—Nose and mouth to be covered-----	317
Hotels, restaurants, public eating places, etc.—Sanitary regulation--	318
Hotels, restaurants, schools, etc., not connected with sewer—Septic tanks or privies required-----	320
Coffins—Sale-----	321
Dead bodies—Transportation-----	321
Barbers and barber shops, manicures, and chiropodists—Regulation--	322
Hogs—Keeping-----	323
Manure—Disposal-----	323
Railroad cars—Cleaning and disinfection—Spitting and spittoons. Railroad stations—Spitting and spittoons—Privies-----	324
Theaters and assembly rooms—Ventilation, heating, and cleaning—May be closed during epidemic—Permit from State board of health required-----	325
Housing sanitation-----	325
Schools—Sanitary supervision of, by local health officers—Removal of defects—Sanitary privies required for schools not connected with sewer-----	325
Nuisances—Investigation and abatement-----	326
Rules of State board of health—Publication-----	327

Maine:

Tuberculosis—Notification of cases-----	328
Ophthalmia neonatorum—Person having charge of infant to notify physician—Preventive treatment-----	328
Syphilis—Marriage of infected persons unlawful—Duties of physicians—Power of local health authorities-----	329
Persons convicted of violating law against prostitution, lewdness, or assignation—Medical treatment when venereally infected—Examination for venereal disease-----	329
Tuberculous soldiers, sailors, and marines—Construction of buildings authorized for care and treatment of-----	329

Maine—Continued.	Page.
State board of health—Local boards of health under control of—Regulations by—Annual appropriations. Local health officers—Employment required—Appointment and duties—State aid under certain circumstances—Several municipalities may unite in employing same health officer.....	330
Milk and dairy products—Publication of results of analyses—Registration of milk dealers.....	331
Milk and cream containers—Return or delivery of, in unclean condition to producer or dealer unlawful.....	333
Old records of births, deaths, and marriages—Compilation, publication, and distribution.....	333
Personal hygiene, community sanitation, and physical education—Instruction in, to be given to pupils.....	334
Maryland:	
Hotels, houses, cottages, and other places offering board, lodging, entertainment, or rental to temporary tenants or guests—Safe drinking water required—Disposal of human excrement.....	335
Privies, cesspools, etc.—When declared nuisances—Sanitary disposal of human excrement required.....	335
Massachusetts:	
Gonorrhea and syphilis—Notification of cases—Circular of information to be furnished patient.....	336
Tuberculosis—Hospital care by counties of patients residing in cities or towns having less than 50,000—Time for compliance with law extended—"Adequate" hospital provision defined.....	337
State department of public health—How constituted—Commissioner, deputy commissioner, and certain other officers—Establishment of division of sanatoria.....	337
Cold storage of foodstuffs—Inspection and supervision.....	338
Slaughtering—Inspection of carcasses.....	339
Water-supply needs and use of great ponds—Making of comprehensive investigation and report relating to.....	339
Drainage investigations—Certain powers and duties relating to, transferred to the drainage board.....	339
Protection of the public health in the valley of Neponset river—Expenditure authorized.....	340
Incurable diseases except mental defect or leprosy—Admission of affected persons to State institutions or infirmaries—Expense of maintenance.....	340
Feeble-minded—Establishment and maintenance of free clinics and a registry.....	340
Day nurseries—Licensing and regulation.....	341
Secondhand materials used in the manufacture of mattresses and similar articles—Sale or shipment.....	342
Wood alcohol or preparations containing wood alcohol—Labeling and sale.....	342
Michigan:	
Communicable diseases—Notification of cases—Placarding—Quarantine—Isolation—Disinfection—School attendance—Requirements for specific diseases—Funerals from houses under quarantine. Venereal diseases—Notification of cases—Examination of persons suspected of being infected—Quarantine or isolation—Hospitalization—Reports by private diagnostic laboratories.....	344

Michigan—Continued.	Page.
Venereal diseases—Notification of cases—State department of health directed to adopt regulations—Dissemination of information to the public—Treatment—Quarantine—Sale of medicine—Reports by druggists—Appropriations.....	349
Communicable diseases—Hospitalization—Payment for medical services and necessary supplies in indigent cases.....	351
Communicable, including venereal, diseases—Employment of affected persons in food and drink places prohibited—Physical examination of employees.....	352
Communicable, including venereal, diseases—Employment of affected persons in cigar factories prohibited—Physical examination of employees.....	352
Communicable diseases of animals—Notification of cases—Prevention of spread—Quarantine—Condemnation, appraisal, and destruction of animals—Payments to owners of destroyed animals—Quarantine and restraint of dogs—Importation of animals—Feeding of garbage to swine.....	352
State tuberculosis hospital—Board of trustees to determine the salaries and allowances of officers, assistants, and employees.....	357
Central Michigan Tuberculosis Sanatorium—Sale of property of—Act establishing sanatorium repealed.....	357
Joint county tuberculosis hospitals—Establishment and maintenance—Employees—State aid.....	358
State health commissioner and deputy—Appointment, qualifications, salaries, powers, and duties. State board of health—Abolished. State advisory council of health—Appointment, compensation, meetings, and duties. Public health regulations—Making and publication. Local health authorities—Powers and duties.....	360
Health districts—Appointment, powers, and duties of board of health—Taxes.....	362
Eggs held in cold storage or artificially preserved—Sale.....	363
Canning or preserving fruits and vegetables for sale—License required—Sanitary regulation of establishments.....	364
Soft drinks or other nonalcoholic beverages—Manufacture—Sterilization, labeling, and kind of bottles used—Sanitation of premises and utensils.....	366
Sewage treatment plants owned or operated by municipalities—Operation and supervision.....	366
Liquid waste—Discharge of, into streams, etc., by industrial plants...	367
Garbage—Collection and disposal—Cities and villages having less than 150,000 authorized to levy a tax or issue bonds.....	367
Embalming—Practice of—License from State board of health required.....	367
First-aid cabinets—Required on railroad trains and interurban electric cars.....	369
Hanson military reservation—Use by the State or any municipal subdivision thereof for recreational or health purposes.....	370
Minnesota:	
Communicable diseases—Burial—Funerals—Transportation of dead bodies—Procedure when patient resides in lodging house or hotel—Library or school books—Disposal of discharges—Disinfection—Handling and sale of milk and other foodstuffs—School attendance—Closing of schools—Transfer of patients.....	371

Minnesota—Continued.

	Page.
Ophthalmia neonatorum—Notification of cases—Preventive treatment—Duties of physicians, midwives, hospitals, local health officers, etc.....	373
Influenza—Placarding—Isolation—Quarantine—Public meetings and gatherings—Public eating places. Pneumonia—Placarding—Funerals.....	374
Typhoid fever—Hospitals to report cases to State board of health—Reports of convalescents or carriers discharged from hospitals.....	375
Typhoid fever—Prevention of spread—Water-closets, privies, and cesspools to be made flyproof—Disinfection of excreta.....	375
Communicable diseases—Isolation.....	376
Communicable diseases—Disinfection and disposal of discharges—Cleaning and disinfection of exposed articles—Funerals.....	376
Venereal diseases—Notification of cases—Instructions and circular of information to be given patient—Examination of persons suspected of being infected—Quarantine—Placarding—Unlawful for infected person to expose others to infection—Sale of medicine—Repression of prostitution—Issuance of certificates of freedom from venereal diseases—Reports not to be disclosed—Laboratory tests and reports—Length of treatment.....	376
Repapering, recalcimining, etc., in rooms where there has been communicable disease—Disinfection and removal of old paper or covering.....	379
Tuberculosis hospitals in certain counties—Establishment and maintenance—Taxes—Payment of expenses.....	380
Tuberculosis hospitals in certain counties—Erection or enlargement of buildings—Maintenance.....	381
County tuberculosis hospitals—Monthly reports and annual examination of financial transactions.....	382
Maternity hospitals—Licensing and regulation.....	382
Homes for infants—Licensing and regulation.....	384
Private baby homes—Regulation.....	387
Department of public welfare in certain cities—Creation, powers, and duties—Abatement of nuisances.....	387
Departments or bureaus of health in certain cities—Pensions for employees.....	391
Public health nurses—Employment by counties, cities, towns, and villages authorized—Duties.....	393
Laws relating to dairy and food products—Codification, revision, and annotation.....	393
Foodstuffs—Unwholesome—Sale prohibited—Destruction.....	394
Hotels, restaurants, lodging houses, boarding houses, and places of refreshment—Sanitary regulation.....	394
Canneries—Inspection.....	397
Drinking water and drinking cups—Required on railroad passenger cars.....	397
City water filtration plant—Construction and installation—Issuance and sale of bonds.....	398
Habit-forming drugs—Furnishing to or prescribing for habitual users.....	399
Human excreta—Disposal.....	399
Water-closets—Installation in dwellings.....	399

Minnesota—Continued.	Page.
Overflow from sewage treatment plants—Discharge into drainage ditches	399
Public comfort and toilet stations in certain cities—Establishment and maintenance—Issuance and sale of bonds	401
Roller towels—Prohibited in public places	402
Lodging houses—Sanitary regulation	402
Places of employment—Sanitary regulation	404
Foundries—Regulation—Health and safety of employees	408
Buildings for railroad construction or repair work—Erection and maintenance—Sanitary requirements	412
Embalmers—Examination for license	413
Mississippi:	
Foodstuffs; places where foodstuffs are manufactured, handled, or sold; and employees in such places—Regulations governing	414
Missouri:	
Venereal diseases—Notification of cases—Instructions and circular of information to be given patient—Duties of local health officers—Quarantine—Prescribing, recommending, or compounding medicine—Unlawful for infected person to expose others to infection—Repression of prostitution—Issuance of certificates of freedom from venereal diseases—Records not to be disclosed	415
Industrial diseases—Reports of cases to be transmitted by secretary of State board of health to State industrial inspector—Powers and duties of State industrial inspector—Posting notices in factories and work places	417
State tuberculosis hospital—Admission of indigent patients	418
State tuberculosis hospital—Collection of fees from counties and cities for care of indigent patients	419
State board of health—Powers and duties—Regulations by—Divisions. State commissioner of health—Qualifications and duties. Deputy State commissioners of health in counties and cities—Appointment and duties. Penalty for offenses against the public health	419
State board of health—Creation and duties of division of child hygiene	421
State bureau of dairying—Establishment. State dairy commissioner—Powers and duties. Dairy products—Production, manufacture, handling, and sale	422
Bakeries, hotels, restaurants, lunch counters, and confectioneries—Employment of diseased persons prohibited—Inspection of bakeries	429
Places where food or medicine is manufactured, prepared, or sold—Closing when a menace to the public health	430
Food—Misbranding	431
Food and drugs—Adulteration or misbranding—Penalty	432
Drugs—Misbranding	432
Eggs—Handling and sale. Egg-breaking establishments—Permits	433
Eggs—Sale—Candling—Licensing of dealers	434
Ice cream—Manufacture and sale. State food and drug commissioner, deputy commissioner, and inspectors—Terms of office, duties, and compensation	435
Drinking water—Analysis by State board of health	438
Diseased animals—Appraisal and slaughter—Payment of indemnity to owner	439

Missouri—Continued.

Diseased animals—Sale prohibited—Restraint.....	443
Children—Employment in certain occupations prohibited.....	444
Places of employment—Prevention of dust, smoke, and gases—Overcrowding prohibited—Maintenance of proper heating, lighting, ventilation, and sanitary arrangements.....	444
Factories and workshops—Water-closets or privies required—Ventilation—Prevention of dust.....	445
Foundries—Toilet rooms and rooms for changing clothes required—Inspection.....	446
Mattresses—Making, remaking, labeling, and sale.....	447

Montana:

Communicable diseases—Reports of cases—Reports by local health authorities to State board of health.....	450
Venereal diseases—Reports of cases—Unlawful for infected person to expose others to infection—Examination of persons suspected of being infected—Treatment—Isolation or quarantine—Repression of prostitution—Isolation hospitals—Examination and treatment of prisoners—Instructions and circular of information to be given patient—Prescribing, recommending, or compounding medicine—Reports by druggists—Issuance of certificates of freedom from venereal diseases—Records not to be disclosed—Regulations by State board of health.....	453
Venereal diseases—Reports of cases.....	456
Venereal diseases—Procedure by local health officers when informed of the existence of cases—Travel and change of residence by infected persons—When cases deemed not communicable—Infected persons not to be served in public baths or barber shops—Prohibited occupations.....	456
Food poisoning, pellagra, and cancer—Reports of cases.....	459
Rocky Mountain spotted fever—Extermination of rodents that are hosts of tick transmitting the disease.....	459
State tuberculosis hospital—Admission and maintenance of indigent patients—Admission of ex-service men—Appropriation.....	462
State board of health—Establishment—Qualifications and appointment of members—Qualifications, appointment, and salary of secretary.....	463
State epidemiologist—Qualifications, appointment, powers, duties, and compensation—Appropriations.....	464
Local health officers—Reports to State board of health by.....	464
Local health officers—Records to be kept by.....	465
Conference of health officers—Local health officers urged to attend.....	465
Dairy products—Production, manufacture, handling, and sale.....	465
Hotels—Sanitary regulation—Inspection.....	470
Soft-drink establishments—Sanitary regulation—Employees. Soft drinks—Contents—Labeling.....	472
Common drinking cups—Prohibited in public places. Eating and drinking places—Cleaning of utensils.....	473
Births and deaths—Local registrars and subregistrars required to file returns of, with county clerks—Certified copies of records.....	473
Burial permits. Burial of bodies dead of communicable diseases—Observance of regulations.....	474
Confiscated intoxicating liquors—Delivery to and use by county boards of health.....	474

Nebraska:

Page.

Civil administrative code—Establishment, powers, and duties of department of public welfare—Appointment, powers, duties, and salary of the secretary of public welfare—General provisions applicable to department. Communicable diseases—Reports of cases—Adoption and enforcement of regulations to prevent spread. Common drinking cups—May be prohibited in public places. Births and deaths—Registration. Maternity homes and homes for infants—Licensing and regulation. Venereal diseases—Adoption of necessary rules for control and suppression of.....	475
Venereal diseases—Establishment and duties of division of, in State health department—Reports of cases—When persons deemed infected—Treatment—Sale of medicine—Instructions and literature to be given patient—Records not to be disclosed—Examination of persons suspected of being infected—Isolation—Repression of prostitution—Unlawful for infected person to expose others to infection—Issuance of certificates of freedom from venereal diseases—Free laboratory tests.....	486
State department of health—Provision of law establishing schedule of salaries and expenses repealed.....	488
Cities of 100,000 or over—Powers of mayor and council for the protection of the public health in.....	488
Cities of the first class—Have power to provide by ordinance for the protection of the public health.....	489
Cities of the first class having more than 5,000 and less than 25,000—Have power to provide by ordinance for the protection of the public health—Creation, powers, and duties of board of health.....	489
Cities of the second class—Empowered to enact ordinances for the protection of the public health—Creation, powers, and duties of board of health.....	490
Boards of health of villages—Appointment—Regulations by.....	490
Dairy products—Sale—Analysis—Receptacles.....	491
Food and drugs—Adulteration and misbranding.....	493
Places where food is prepared for sale, manufactured, stored, or sold—Sanitary regulation—Employees—Utensils—Vehicles used in transporting food.....	496
Hotels, restaurants, rooming houses, and apartment houses—Registration certificates—Sanitary regulation—Inspection.....	498
Communicable diseases in animals—Prevention and eradication—Appraisal and destruction of diseased horses or mules—Compensation of owners.....	501
Cattle—Tuberculin testing—Prevention and control of tuberculosis—Appraisal and destruction of tuberculous animals—Compensation of owners.....	502
Pupils—Examination of, by teachers for certain physical defects—Exclusion from school on account of communicable diseases.....	503
Places of employment—Water-closets or privies—Dressing rooms—Prevention of dust or fumes—Cleanliness—Ventilation.....	504
Nevada:	
Rabbits and noxious animals—Appropriation for control and eradication.....	506

Nevada—Continued.

Page.

State board of health—Creation, powers, and duties—Members—Duties and salary of secretary—Laboratory—Appropriation. County health officers and deputies—Appointment, powers, duties, and compensation. City health officers—Appointment, powers, duties, and compensation. County and city boards of health—Establishment, powers, and duties. Communicable diseases—Prevention and control. Marriage licenses—Reports to State board of health of issuance of..... 506

Watercourses—Appropriation for prevention of pollution of..... 513

New Hampshire:

Ophthalmia neonatorum—Preventive treatment..... 514

Tuberculosis—Free beds in approved hospitals for treatment of indigent cases..... 514

Indigent crippled and tuberculous children—Appropriation for medical and surgical treatment of..... 515

Prostitution, lewdness, or assignation—Examination and treatment for venereal diseases of persons convicted of. Venereal diseases—Examination, detention, and treatment of certain suspected persons..... 515

Milk and cream receptacles—Cleaning—Use except as containers for milk and cream prohibited..... 515

Emergency water supplies—Regulation by State board of health..... 515

Animals—Examination and tests for communicable diseases—Measures by owners to prevent and suppress communicable diseases—Appraisal and destruction of horses, asses, or mules infected with glanders and of cattle infected with tuberculosis—Compensation of owners..... 516

New Jersey:

Hospitals for communicable diseases other than smallpox—Annual appropriations in first-class counties for the construction, maintenance, and repair of..... 518

Local boards of health—Authorized to make regulations—Regulation of the construction and maintenance of privies..... 518

Incorporated dental associations maintaining and conducting clinics for free treatment of indigent children—First-class cities authorized to make annual appropriations to..... 519

Boarding homes for children and the placing of children—Licensing, inspection, and regulation—Keeping of records..... 519

County mosquito extermination commissions—Annual estimates and plans of work to be done and methods to be employed..... 520

Water treatment and sewage treatment plants—Examination and licensing of superintendents and operators in charge of..... 520

Outlet or trunk sewers—Maintenance and operation jointly by municipalities..... 522

Joint municipal outlet or trunk sewers—Enlargement—Construction and maintenance of joint purification plants and other works and apparatus..... 523

New Mexico:

State department of health—Creation and powers—Employees.

State board of health—Appointment, qualifications, meetings, compensation, powers, and duties. State commissioner of health—Appointment, qualifications, salary, powers, and duties. Local health

New Mexico—Continued.	Page.
officers—Appointment, qualifications, compensation, powers, and duties. Births, deaths, and marriages—Reports of. Nuisances—Prevention—Reports of—Abatement. Communicable diseases—Reports of cases—Removal—Isolation—Prevention—Burial. Small-pox vaccination. Public health regulations-----	524
Births and deaths—Registration-----	530
Dead bodies—Interment, disinterment, and transportation-----	535
Unincorporated towns and villages—Cleanliness-----	538
New York:	
Communicable diseases—Diseases included under term "infectious, contagious, or communicable disease" specified-----	540
Communicable diseases—Attendance at schools and gatherings-----	540
Typhoid and paratyphoid fever—Minimum period of isolation-----	541
Communicable diseases—Handling, sale, and destruction of food-----	541
Venereal diseases—Collection and submission of specimens for laboratory examination-----	542
Venereal diseases—Examination of persons suspected of being infected and of certain persons under arrest-----	544
Prostitution, lewdness, or assignation—Persons convicted of and placed on probation—Treatment when venereally infected-----	544
County tuberculosis hospitals—Establishment and maintenance-----	545
Hospitals, camps, or other establishments for treatment of tuberculosis—Approval of establishment of-----	549
State commissioner of health and deputy commissioner—Salaries and expenses. State department of health—Employees-----	550
Local boards of health—Organization. Local health officers—Appointment-----	550
Public health nurses—Resolution prescribing certain qualifications repealed-----	553
"Milk and cream" defined. Unwholesome milk, unwholesome cream, imitation cream, certified milk, and "milk and cream"—Sale-----	553
Milk and cream—Grade B pasteurized—Delivery-----	554
Waters of the State—Investigation of extent and character of pollution—Investigation of methods of eliminating pollution-----	554
Domestic animals—Reports of cases of communicable diseases—Prevention, control, suppression, and eradication of communicable diseases—Regulations authorized—Importation—Quarantine—Physical examination—Tuberculin test—Appraisal and destruction—Compensation of owners—Disposition and use of tuberculin and mallein—Violation of quarantine for rabies—Officers and employees of bureau of animal industry-----	555
Cows—Tuberculin tests and physical examinations—By whom made-----	564
Tenement houses—Water-closets-----	564
Births and deaths—Registration—Registration districts—Qualifications and appointment of local registrars—Fees of local registrars, physicians, and midwives-----	565
Boarding homes for children or day nurseries—Licensing—Inspection—Appointment and duties of day nursery physician-----	568
Children—Employment in certain industries prohibited. Wash rooms and water-closets for employees-----	569
Barber shops—Required to be kept in a sanitary condition. Barbers—Required to be free from communicable disease-----	570
Shaving brushes—Treatment to destroy anthrax germs required-----	570
"Municipality" defined-----	570

North Carolina :

Page.

Venereal diseases—Reports of cases—Unlawful for infected person to expose others to infection—Examination of persons suspected of being infected—Treatment—Isolation or quarantine—Repression of prostitution—Examination and treatment of prisoners—Powers and duties of State board of health-----	571
Venereal diseases—Prescribing, dispensing, and sale of medicine—Reports to State board of health—Examination of certain persons-----	572
Prostitution or assignation—Examination and treatment for venereal diseases of persons convicted of-----	573
County tuberculosis hospitals—Special tax for maintenance—Erection and maintenance of buildings at State sanatorium instead of in the county-----	573
Soft drinks—Manufacture-----	574
Land used for dairy purposes or for grazing milk cows—Unlawful disposal of refuse or sewage on such land by adjoining owners-----	575
Privies—Inspection—License—Construction and maintenance—Organization and duties of bureau of sanitary engineering of State board of health-----	576
Privies—Installation and maintenance at schools-----	578
Pupils—Physical examination—Medical and dental treatment-----	579
Public-school teachers and superintendents—Certificate of health required annually-----	580
Cattle affected with tuberculosis and horses and mules affected with glanders—Appraisal and destruction—Compensation of owners-----	580
Bodies of animals and fowls dead from disease—Required to be buried or burned-----	582
Births and deaths—Registration—Compensation of local registrars or subregistrars—Penalty for violation of act-----	582
Convict camps—Sanitary supervision by State board of health-----	583
Inmates of penal or charitable hospitals or institutions—Surgical operations upon-----	583

North Dakota :

Venereal diseases—Notification of cases—Unlawful for infected person to expose others to infection—Examination of persons suspected of being infected—Isolation or quarantine—Treatment—Repression of prostitution—Examination and treatment of prisoners—Regulations by State board of health-----	584
Prostitution, lewdness, or assignation—Examination and treatment for venereal diseases of persons convicted of-----	585
Vaccination or inoculation—Not a condition precedent for admission to school, for the exercise of any right, etc-----	585
Pupils—Medical inspection-----	585
Live stock affected with communicable disease—Isolation—Sale—Slaughtering—Labeling of meat from-----	586
Weeds and grasses—Cutting or destruction-----	587

Ohio :

Prostitution, lewdness, or assignation—Examination and treatment for venereal diseases of persons charged with-----	588
Hospitals and dispensaries—Commissioner of health authorized to define and classify—Registration with and reports to State department of health. Benevolent and correctional institutions—Investigation of system, condition, and management. Children—Investigation of care and disposition of, by institutions. Maternity hospitals—Licenses—Inspection-----	588

Ohio—Continued.	Page.
Hospital and dispensary facilities—Survey and study of, by State department of health.....	589
State tuberculosis hospital—Admission and support of patients.....	589
Tuberculosis hospitals—Construction and maintenance in certain counties—Supervision and regulation by State department of health. Tuberculosis instructing and visiting nurses in counties—Appointment, compensation, and duties. County tuberculosis dispensaries—Establishment and maintenance.....	590
County tuberculosis hospitals—Purchase of district tuberculosis hospitals by counties—Management and control—Levy of taxes.....	591
District tuberculosis hospitals—Establishment and maintenance.....	592
Tuberculosis hospitals in certain counties—Establishment, management, and control—Levy of taxes.....	592
State department of health—Seal—Records of official acts of commissioner and public health council—Administering of oaths.....	593
Local health administration—Creation of municipal and general health districts—Appointment, powers, and duties of district boards of health and district health commissioners—Conferences of and schools of instruction for district health commissioners. Communicable diseases—Quarantine—Placarding—Precautionary measures by attending physicians—Attendance at schools and public gatherings—Unlawful exposure of infected persons and things—Unlawful to let infected premises prior to disinfection.....	593
Sanitary police and public health nurses—Appointment by local boards of health.....	604
Food, etc.—Misbranding.....	605
Drugs—Adulteration and misbranding. Food, etc.—Adulteration.....	605
Soft drinks—Manufacture, bottling, labeling, and sale.....	606
Ice-cream parlors and soda fountains—Sanitary regulation—Cleaning of utensils.....	609
Commercial canneries — Inspection — Sanitary regulation — Employees—Licenses—Publication of reports and information by secretary of agriculture.....	610
Hotels and restaurants—Licenses—Sanitary regulation—Employees—Inspection—Creation of hotel division in office of State fire marshal.....	613
Streams and water supplies—Correction of conditions causing pollution of.....	616
Public water supplies and waterworks systems in county sewer districts—Acquisition, construction, maintenance, and operation.....	621
Sanitary district act.....	624
County sewer districts—Establishment and maintenance—Acquisition, construction, maintenance, and operation of sewers and sewage treatment or disposal works—Employment of sanitary engineer—Creation and maintenance of sanitary engineering department in certain counties.....	659
Births and deaths of residents occurring outside the State—Registration.....	662
Certain obnoxious or injurious gases—Elimination from inclosed places where persons work.....	662
Wash rooms—Required at coal mines.....	663
Dead animals—Business of disposing of bodies of—Licenses—Inspection.....	663

Oklahoma :

Page.

Venereal diseases—Infected persons required to report to physicians for examination and treatment—Unlawful for infected persons to marry or expose other persons to infection—False statements of cure by physicians unlawful—Treatment by persons not physicians—Sale of medicine—Record and treatment of infected persons in institutions—Examination and treatment of prisoners—Records to be confidential-----	665
State tuberculosis hospitals—Establishment, equipment, operation, and maintenance—Superintendents and employees—Admission and maintenance of patients—Establishment of free tuberculosis dispensaries. State department of health—Creation of bureau of tuberculosis in-----	667
State department of dairying—Establishment. State dairy commissioner—Appointment, qualifications, salary, powers, and duties. Cream—Grades. Milk and milk products—Pasteurization-----	669
Bovine tuberculin—State board of agriculture authorized to issue regulations governing-----	672
Tuberculous cattle—Prevention of introduction into State—Destruction or segregation—Appraisal—Compensation of owners of destroyed animals-----	672
Habit-forming drugs—Manufacture, possession, sale, dispensing, or distribution-----	673
Births and deaths—Fees of local registrars-----	675
School buildings—Standards for erection of—Cleaning and disinfection-----	675
Female employees—Toilet facilities and seats required for-----	676
Advertisements—Untrue, deceptive, or misleading, prohibited-----	676

Oregon :

Communicable diseases—Reports of cases—Quarantine—Placarding—Precautions by attending physicians—Cleaning and disinfection—Removal of infected persons—Attendance at schools and gatherings—Establishment of quarantine hospitals—Common carriers—Exclusion from schools of unclean pupils—Vaccination of pupils—Library books—Sale of articles exposed to infection—Use of public conveyances by infected persons—Unlawful infection of persons--	678
Communicable diseases—Reports of cases—Closing of public places—Reports concerning epidemics—Appointment of local sanitary officers by State health officer—Reports of industrial diseases—Quarantine—Placarding—Isolation—Disinfection—Attendance at schools and gatherings—Incubation periods—Special restrictive measures—Control measures and requirements for specific diseases—Food handling—Regulation of tuberculous patients—Common carriers—Sale of merchandise—Library books-----	682
Ophthalmia neonatorum—Reports of cases—Duties of local health officers and State board of health-----	703
Tuberculosis—Reports of cases—Change of residence of infected person to be reported—Disinfection-----	703
Venereal diseases—Reports of cases—Unlawful for infected person to expose others to infection—Examination of persons suspected of being infected—Treatment—Isolation or quarantine—Repression of prostitution—Examination and treatment of prisoners—State board of health to make regulations—Advertisements—Sale of medicine--	704

Oregon—Continued.

	Page
Venereal diseases—Reports of cases—Laboratory examinations—Examination of prostitutes—Instructions and literature to be given patients—Infected persons not to expose others to infection—Quarantine—Parole of certain persons—Prohibited occupations—Issuance of certificates of freedom from venereal diseases—Information to be confidential—Advertisements—Treatment by physicians only—Examination of prisoners and persons suspected of being infected	705
State tuberculosis hospital—Admission of patients	709
State tuberculosis hospital—Admission of patients—Duties of superintendent	710
District tuberculosis hospitals—Establishment, maintenance, and operation	710
County tuberculosis hospitals—Establishment, maintenance, and operation—Appointment and duties of visiting nurses	712
Hospitals, hotels, and sanatoria—Sanitary regulation	716
Hospitals and other institutions—Reports by, of certain information required	717
Hospitals for mental defectives and poor farms—Inspection—State board of health to prescribe rules for management and conduct—Reports by—Issuance of certificates to	717
Certain benevolent or charitable institutions—Applications by, for State aid	718
Maternity homes—Defined—Licenses—Placing of children by	718
Wayward girls; maternity and venereal cases; homeless, neglected, and abused children; foundlings and indigent orphans—Care of—State aid to benevolent or charitable institutions caring for	719
State board of health—Appointment, powers, and duties—Making and enforcement of regulations. State health officer—Appointment, salary, powers, and duties. Local boards of health—How constituted—Duties. Local health officers—Appointment, powers, duties, and compensation—Removal by State board of health. Enforcement of act	722
State board of health laboratory—Bacteriological examinations by	726
State board of health laboratory—Examinations and tests by	726
State board of health regulations—Have force and effect of law—Issuance and enforcement of summary regulations—Approval and effect of regulations by institutions	729
State board of health—Authorized to sell or dispose of unsuitable material or equipment	730
Public health nursing—Establishment and personnel of State bureau of nursing—Duties of public health nurses	730
State board of eugenics—Establishment and duties—Sterilization of mental defectives	731
County meat and herd inspectors—Appointment, qualifications, compensation, powers, and duties	733
Food—When deemed adulterated. Ice cream—When deemed adulterated or unwholesome—Sale. Rooms where food is prepared for sale—Not to be used for living or sleeping purposes	735
Hotels and restaurants—Sanitary regulation	737
Bovine animals—Tuberculin test—Appraisal and slaughter of tuberculous animals—Quarantine—Compensation of owners of destroyed animals	738

Oregon—Continued.	Page.
Water furnished to the inhabitants of towns and cities—Protection from pollution.....	741
Water supplies—Prevention of pollution—Approval of plans—Inspections and analyses. Sewage—Sanitary disposal.....	743
Water supplies—Protection from pollution. Water and sewer systems—Permit for installation required.....	746
Schools—Water-closets or privies required at.....	747
Common drinking cups—Use prohibited in certain places.....	747
Births and deaths—Registration. Marriages—Reports by county clerks. Hospitals and other institutions—Records to be made of personal and statistical particulars relative to persons admitted or committed to.....	747
Births and deaths—Registration. Marriages—Reports by county clerks.....	755
Dead bodies—Transportation.....	757
Embalmers—Licenses.....	759
Barbers—Sanitary precautions by.....	759
Barbers and barber shops—Regulation.....	760
Places of employment—Lighting.....	760
Industrial camps—Sanitary regulation.....	762
Business of disposing of bodies of dead animals and business of feeding garbage and other offal to swine—Licenses—Sanitary requirements—Inspection.....	764
Dead animals and offensive substances—Insanitary disposal unlawful.....	766
Pennsylvania:	
Communicable diseases—Enumeration of—Method of declaring other diseases to be communicable—Reports of cases—Quarantine—Placarding—Disinfection—Attendance at schools and gatherings—Removal of well persons from infected premises—Daily bulletins to be furnished school authorities—Use of public conveyances by infected persons—Unlawful exposure of infected persons—Handling and sale of exposed articles—Letting of infected rooms or premises—Regulations by local health authorities authorized—Burial—Reports by local health authorities to State department of health.....	767
Communicable diseases—Quarantine—How enforced.....	774
Tuberculosis—Quarantine.....	775
Certain communicable diseases—Quarantine of carriers.....	775
Whooping cough—Quarantine.....	775
Diphtheria, scarlet fever, and smallpox—Contacts—Placarding and quarantine.....	775
Certain communicable diseases—Incubation—Maximum periods.....	776
Certain communicable diseases—Quarantine—Disinfection.....	776
Certain communicable diseases—Funerals required to be private.....	776
Certain types of illness—Reports of cases by householders or proprietors of hotels and lodging houses.....	777
Venereal diseases—Quarantine.....	777
Diseases of the generative organs—Advertisements relating to the treatment of, prohibited.....	777
School children—Required to be vaccinated or have had smallpox.....	777
Smallpox vaccination—Certificates regarding—School children.....	778
School children—Medical inspection.....	779

Pennsylvania—Continued.	Page.
Medical inspection in schools—Reports of names of inspectors to State commissioner of health—Appointment of inspectors by State commissioner of health when school authorities fail to furnish inspection.....	781
Defective school children—Special education and training for.....	782
Funerals in private houses—Rental or temporary furnishing of certain articles for use at, prohibited.....	783
Joint county and municipal hospitals—Establishment, equipment, and maintenance of, by counties and third-class cities within such counties.....	783
Deputy State commissioner of health—Appointment, qualifications, duties, and compensation.....	785
State quarantine—Discontinued—Offices abolished—Lease or sale of property to United States Government.....	786
Boards of health in third-class cities—Creation, organization, powers, and duties.....	787
Bakeries and bakery products—Sanitary regulation—Health certificates required of employees.....	787
Eggs—Business of opening and separating contents from shell—Licenses. Eggs unfit for food—Sale prohibited—Denaturing.....	790
Sausage—When deemed adulterated.....	792
Food, drugs, or preparations containing wood alcohol—Sale or distribution.....	793
Nonalcoholic drinks—When deemed misbranded.....	793
Garbage, refuse, and ashes—Collection and disposal in third-class cities.....	794
Sewerage systems and sewage disposal works of boroughs—Extension of service outside borough limits.....	795
Animals and fowl—Keeping and slaughtering of, in third-class cities.....	795
Comfort stations in certain cities—County commissioners may make appropriations to assist in construction and maintenance of.....	795
Toilet rooms and water-closets in foundries and certain mills—Establishment, maintenance, and sanitation.....	796
Health insurance commission—Creation, powers, and duties.....	797
Philippine Islands:	
Aerated waters and soft drinks—Manufacture and bottling.....	798
Porto Rico:	
Leprosy—Reports of cases—Marriage of infected persons prohibited—Construction, equipment, and operation of leper asylum.....	799
Communicable diseases—Appropriation to create an emergency fund for the prevention, control, or suppression of.....	800
Uncinariasis and malaria—Appropriation for construction of hospitals for studying and combating—Location of hospitals.....	800
Institute of tropical medicine and hygiene—Object—Organization—Operation—Appropriations—Report to legislature.....	801
Municipalities—Powers and duties of health officers—Copies of health ordinances to be transmitted to the insular commissioner of health—Repeal of certain laws.....	802
Births—Registration of those not previously registered.....	803
Establishments where women or children under 18 years of age work—Ventilation—Water supply and sanitary drinking cups—Cleanliness of establishments in dust-producing occupations.....	803
Patent medicines—Registration.....	803
Plumbers—One class only—Licenses.....	805

Rhode Island :	Page.
Ophthalmia neonatorum—Reports of cases—Preventive treatment....	806
Venereal diseases—Examination of certain prisoners for—Treatment and quarantine when infected.....	806
Secretary of State board of health—Salary.....	807
Pathologist of State board of health—Appointment, powers, duties, and salary—Appointment and salary of assistant pathologist.....	807
Division of child welfare—Establishment, maintenance, powers, and duties—Appointment, qualifications, duties, and compensation of director—Employees—Appropriations.....	807
South Carolina :	
Venereal diseases—Reports of cases—Unlawful for infected person to expose others to infection—Examination of persons suspected of being infected—Treatment—Isolation—Examination, treatment, and isolation of prisoners—State board of health to make regulations.....	809
Commercial disinfectants—Sale—Registration and analysis.....	810
Tuberculous cattle and glandered horses, mules, and asses—Inspection—Destruction and appraisal—Payments to owners.....	811
South Dakota :	
Venereal diseases—Reports of cases—Unlawful for infected person to expose others to infection—Treatment—Isolation or quarantine—Repression of prostitution—Examination, treatment, and quarantine of prisoners—State department of health to make regulations.....	813
Influenza—Actions of cities, towns, counties, and townships relative to establishing emergency hospitals for, and treating cases of, validated.....	814
Detention hospitals—Establishment by cities and counties authorized—Payment of expenses for care of persons hospitalized.....	814
State board of health—Meetings—Powers.....	814
County public health nurses—Employment—Duties.....	816
Eggs—Buying, selling, and trading in—Candling.....	817
Waters of the State—Prevention of pollution.....	819
Domestic animals—Movement of, when affected with communicable diseases. Tuberculosis in cattle—Investigation, control, and eradication—Appraisal and destruction of diseased animals—Payments to owners. Animals destroyed because affected with glanders or dourine—Payments to owners.....	820
Births and deaths—Registration of those not already recorded....	822
Moving-picture theaters—Seating space—Air space—Ventilation—Heating—Cleaning.....	822
Tennessee :	
State board of health—Appointment, powers, duties, and salary of dental assistant secretary. County mouth hygienists—Appointment.....	823
Adulterated milk—Sale unlawful—Enforcement of act.....	823
Ice cream—Definition and standardization—Adulteration and misbranding—Licenses for factories. Certain dairies, cream stations, etc.—Licenses. Rules and regulations necessary in execution of act to be formulated by State dairy commissioner. Enforcement of act.....	824

Tennessee—Continued.

Reelfoot Lake—Prevention of pollution.....	826
Habit-forming drugs—Possession, sale, and dispensing.....	826
Workshops and factories—Inspection of sanitary conditions—Ventilation—Removal of dust and gases—Air space for employees. Places of amusement—Ventilation. Rooms, apartments, or tenements where manufacturing, altering, etc., is done—Lighting, ventilation, and air space.....	829

Texas:

State home for lepers—Law providing for, repealed.....	831
Lepers—Appropriation for isolation and care of.....	831
State quarantine property—Sale to United States Government authorized.....	831
Tuberculosis in cattle—Eradication—Appraisal and slaughter of infected animals—Payments to owners.....	832
Public water supplies in municipalities of 5,000 or less—Tests—Prevention of pollution.....	833
Habit-forming drugs—Sale and dispensing. Drugs, medicines, or devices for the cure of diseases—Labeling.....	834
House to house canvass to obtain health data—Appropriation to State board of health for.....	835

Utah:

Communicable diseases—Reports of cases.....	836
Venereal diseases—Reports of cases—Unlawful for infected persons to expose others to infection—Information and advice to be given patients—Examination of persons suspected of being infected—Treatment—Isolation—Quarantine—Repression of prostitution—Examination, treatment, and quarantine of prisoners—State board of health to make regulations—Literature for free distribution to be prepared by State board of health—Laboratory tests by State board of health—Appropriation.....	836
Venereal diseases—Reports of cases—Instruction and literature to be given patients—Duties of local health officers—Examination of persons suspected of being infected—Isolation—Quarantine—Repression of prostitution—Issuance of certificates of freedom from venereal diseases—Records not open to public inspection—Examination and quarantine of persons in penal or charitable institutions—Infected persons forbidden to attend or teach school—Prohibited occupations—Advertising of remedies unlawful—Unlawful for infected persons to expose others to infection.....	838
Venereal diseases—Medicine to be sold only on physician's prescription.....	840
Venereal diseases and other sexual ailments—Advertisements relating to, prohibited.....	841
Free dispensaries and clinics for medical, surgical, and dental service—Appropriation for State aid to.....	841
Local boards of health and health officers—Powers and duties.....	841
State director of health education—Appointment, powers, and duties. Supervisors of health education and school nurses—Professional requirements. School-teachers—Health education required of. Physical welfare of children of pre-school age—Promotion of.....	842
Maternity hospitals—Establishment, maintenance, and inspection—Records and reports by. Homes for infants.....	843

Utah—Continued.	Page.
State board of examiners of barbers—Appointment—Approval of appointment by State board of health. Barber shops or schools—Adoption of sanitary regulations governing—Posting of regulations in—Compliance with regulations—Examination of sanitary conditions—Declared public nuisances when—Persons infected with communicable diseases not to be served or apply for service in—Fumigation. Barbers—Licenses	845
Theaters and other public houses of amusement—Seating space—Air space—Width of aisles—Ventilation—Temperature—Relative humidity	847
Vermont:	
Venereal diseases—Reports of cases—Druggists to keep record of sales of certain drugs—Appropriation	848
Venereal diseases—Reports to be confidential—Marriage or sexual intercourse by infected person unlawful	848
Venereal diseases—Free laboratory examinations—Furnishing of medicine to clinical patients—Distribution of literature	849
Prostitution, lewdness, or assignation—Persons convicted of, who are venereally infected—Medical treatment when placed on probation or parole	849
County tuberculosis hospitals—Issuance of bonds for	849
State board of health—Appointment of secretary, officers, and assistants	850
State board of health—Salaries and expenses of secretary, officers, and assistants	850
District health officers—Appointment, powers, duties, salaries, and expenses. Assistant district health officers—Appointment, duties, fees, and expenses. Local health officers in municipalities of 5,000 or more—Appointment, duties, salaries, and expenses. Deaths—Registration with town clerks. Burial permits—Issuance by town clerks. Communicable diseases—Reports of cases—Quarantine. Annual appropriation to carry out act	851
Rural sanitation—Appropriation for cooperative work with United States	853
State institutions—Medical treatment of inmates—Communicable disease cases	853
Tuberculous cattle and glandered horses—Appraisal—Destruction—Payments to owners	853
Cattle, horses, and mules—Importation—Testing—Examination—Appraisal and disposition of tuberculous cattle and payments to owners—Prevention and suppression of communicable diseases	854
Births, deaths, and marriages—Completion of records of the State—Duties of town clerks	857
Washington:	
Venereal diseases—Unlawful for infected persons to expose others to infection—Examination of persons suspected of being infected—Treatment—Isolation—Quarantine—Repression of prostitution—Examination and treatment of prisoners—Regulations to be made by State board of health—Confirmation of diagnosis by laboratory examinations—Appeals by quarantined persons to State commissioner of health—Establishment of quarantine districts—Establishment and conduct of quarantine stations and clinics—Commitment of infected women	858

Washington—Continued.	Page.
County tuberculosis hospitals—State aid to.....	860
Milk and milk products—Production, manufacture, handling, and sale. Bovine animals—Examination and testing for tuberculosis—Appraisal and destruction when infected—Payments to owners.....	860
Bakeries—Drainage, plumbing, and ventilation—Use of cellars or basements as, regulated.....	876
Imported eggs—Marking of, when offered for sale.....	877
West Virginia:	
Influenza—Made reportable.....	878
Ophthalmia neonatorum—Reports of cases—Preventive treatment—Duties of local and State health authorities.....	878
Venereal diseases and other sexual ailments—Advertisements concerning, prohibited.....	879
Diphtheria antitoxin—Furnishing of, free of charge by State to counties for use in indigent cases.....	880
Pupils—Medical and dental inspection—Protection from communicable diseases. School nurses—Employment. School-teachers—Health certificates may be required from. Communicable diseases—School attendance.....	880
State commissioner of health—Appointment, salary, powers, and duties. State department of health—Powers and duties—Divisions. Public health council—Powers and duties. Full-time county or city health officers—Appointment authorized—Duties. City health officers—Appointment. County health officers—Appointment and salary. County boards of health—How constituted—Powers. Communicable diseases—Reports of cases. Water supply, drainage, or sewerage systems—Plans—Establishment.....	881
Communicable diseases of domestic animals—Powers and duties of commissioner of agriculture concerning. Bovine animals—Examination and testing for tuberculosis—Appraisal and destruction of infected animals—Payments to owners. Domestic animals—Appraisal and destruction when diseased—Payments to owners.....	885
Places of employment—Food not to be taken into any room where poisonous substances or injurious dusts or gases are present—Seats for female employees—Water-closets—Lavatories—Dressing rooms.....	889
Wisconsin:	
Communicable diseases—Reports of cases.....	891
Influenza—Reports of cases—Placarding—Isolation—Quarantine—Attendance at gatherings—Disinfection—Attendance at funerals—Restrictions during epidemic.....	891
Diphtheria—Quarantine—Disinfection—School attendance—Carriers. Scarlet fever—Quarantine—Removal of children and adults from infected household—Isolation of children removed from infected household—Hospitalization—Isolation—Disinfection—School attendance.....	893
Venereal diseases—Reports of cases—Treatment—Powers and duties of State board of health—Medicine to be sold only on physician's prescription—Advertisements in public places prohibited.....	894

Wisconsin—Continued.

	Page.
Venereal diseases—Reports of cases—Instructions and circular of information to be given patient—Records to be confidential—Examination, isolation, quarantine, and treatment of inmates of charitable or penal institutions—Cases regarded as communicable until certain requirements have been met—Issuance of certificates of freedom from venereal diseases—Duties of health authorities—Placarding—Quarantine—Examination of persons arrested on certain charges—Prohibited occupations	895
Rabies—Dogs in district under quarantine for, not to be allowed to run at large—Killing of dogs running at large	898
Communicable-disease isolation hospitals—Establishment, conduct, and maintenance in counties having a population of 30,000 or more	898
State tuberculosis hospitals and camp and county tuberculosis hospitals—Establishment—Admission and maintenance of patients	899
State tuberculosis camp—Establishment and operation—Certain lands to be used for	902
County tuberculosis hospitals—State aid to	902
County tuberculosis hospitals—Establishment authorized—Operation—Appointment of officers. Physicians, midwives, and undertakers—Registration	902
County out-patient departments or public-health dispensaries for tuberculosis and other communicable diseases—Establishment and maintenance	903
Clinics and public health and medical dispensaries—Establishment, conduct, and maintenance in counties having a population of 250,000 or more	903
Maternity homes and homes for infants—Licenses—Inspection—Reports by. Tuberculosis hospitals—Establishment by fraternal or mutual-benefit societies—Admission of nonmembers	903
State board of health—Annual appropriation for administration and execution of general functions of—Compensation of members other than secretary	904
Local boards of health—Powers	905
Commissioners of health of first-class cities—Appointment and qualifications. Deputy commissioners of health of first-class cities—Appointment, qualifications, powers, and duties	905
County public-health registered nurses or public-health instructors—Employment, qualifications, and duties	906
Special dairy and food inspectors—Appointment and compensation	906
Containers for milk and other dairy products—Washing and return of	907
Cheese factories and creameries—Testing of cows furnishing milk to	907
Condensaries and canning factories—Licenses	907
Butter factories, cheese factories, and receiving stations or depots used for receiving and shipping milk or cream—Licenses	909
Cattle—Tuberculin test—State to bear half or entire cost of, in certain cases—Annual appropriation	910
Diseased animals—Appraisal—Payments to owners of destroyed animals	910
Diseased animals—Removal or slaughter—Claims against State arising from removal or slaughter—Examination of diseased animals—Disposal of reacting cattle	911

Wisconsin—Continued.

	Page.
Pupils—Instruction in health matters to be given to.....	912
Water and ice supplies—Supervision and control by State board of health. Waterworks, sewerage systems, and sewage or refuse disposal plants—Construction, alteration, extension, maintenance, and operation.....	913
Municipal sewerage systems or sewage or refuse disposal plants—Connection with systems or plants of other municipalities—Compensation to municipalities furnishing service.....	916
Water and sewer connections—May be required by ordinance.....	918
Plumbers—Licenses. Plumbing—Regulation and inspection.....	918
Housing code—Boards of health of third-class cities authorized to establish—Penalty for violation.....	922
Births, deaths, and marriages—Registration of those not previously registered.....	922
Nonresident births, deaths, and marriages—Copies of records to be sent to places of residence and recorded there.....	923
Beauty parlor shops—Regulation by State board of health—Examination and licensing of managers, operators, and apprentices.....	923
Embalming—Licenses—Practice of.....	925
Embalmers' licenses—Renewal—Date of expiration.....	925
Public-comfort stations—Establishment and maintenance—Regulations by State board of health and governing bodies of municipalities.....	925
Wyoming:	
State board of health—Appointment.....	927
Peddling or hawking fresh meat—Licenses—Inspection of premises, vehicles, etc.....	927
Whey—Cans for, not to be used for other purposes.....	928
Eating and drinking places—Requirements concerning sugar bowls—Cleanliness of utensils.....	928

33
37
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INTRODUCTION.

Reprints from the PUBLIC HEALTH REPORTS numbered 200, 264, 279, 338, and 406, supplements to the PUBLIC HEALTH REPORTS numbered 37 and 38, and the present volume, taken together, contain State laws and regulations pertaining to the public health approved or adopted from July 1, 1911, to December 31, 1919, inclusive.

Municipal ordinances, rules, and regulations pertaining to the public health have also been published, and reprints numbered 70, 121, 199, 230, 273, 364, and 388, and supplement numbered 40 are compilations of these ordinances and regulations which were adopted during the 10-year period 1910 to 1919, inclusive.

INTRODUCTION

The purpose of this study is to investigate the effects of the proposed changes on the system. The study is divided into two main parts: a theoretical analysis and an empirical investigation. The theoretical analysis is based on the principles of the system and the proposed changes. The empirical investigation is based on the results of the experiments conducted. The results of the experiments are presented in the following sections. The first section presents the results of the experiments conducted on the system. The second section presents the results of the experiments conducted on the proposed changes. The third section presents the results of the experiments conducted on the system with the proposed changes. The fourth section presents the results of the experiments conducted on the system with the proposed changes and the results of the experiments conducted on the system with the proposed changes and the results of the experiments conducted on the system with the proposed changes.

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STATE LAWS AND REGULATIONS PERTAINING TO PUBLIC HEALTH.

ADOPTED DURING THE YEAR 1919.

ALABAMA.

State and Local Health Authorities—Appointment, Powers, and Duties. Midwifery—Regulation. Births and Deaths—Registration. Water Supplies—Supervision and Regulation—Analysis. Communicable Diseases—Notification of Cases—Investigation and Control—Notification of Cases of Occupational Diseases. Venereal Diseases—Notification of Cases—Physicians Only Allowed to Treat Patients—Prescriptions Not to be Refilled—Circular of Information to be Furnished Patient—Compulsory Treatment—Isolation and Quarantine—Examination and Treatment of Prisoners—Medicine to be Sold Only on Physician's Prescription—Dates of Treatment to be Recorded by Physicians—Prevention of Spread—Advertisements Prohibited—Maintenance of Dispensaries—Unlawful for Infected Person to Expose Others to Infection—Suppression of Prostitution—Examination of Prostitutes—Issuance of Certificates of Freedom from Venereal Diseases. Ophthalmia Neonatorum—Prevention. Barber Shops—Sanitary Regulation. Common Drinking Cups and Common Towels—Prohibited in Public Places. Malaria—Prevention of—Drainage of Pits, Cuts, and Fills Likely to Impound Water. Privies—Maintenance—Installation. Nuisances—Definition—Abatement—Destruction. Places Where Food is Sold—Inspection and Regulation—Closing. State Board of Health—Appropriations. (No. 658, Act Sept. 29, 1919.)

SECTION 1. That section 698 of the Code of Alabama, 1907, be, and the same is hereby, amended to read as follows:

698. *State board of health; State committee of public health; how constituted.*—The Medical Association of the State of Alabama, as constituted under the laws now in force, or which hereafter may be in force, is the State board of health. The State board of censors, of said association, as said board of censors is or hereafter may be constituted under the laws now in force or which hereafter may be in force and under the constitution of said association, as said constitution now exists or may hereafter exist, is, and when acting as such, shall be known as the State committee of public health; and the Governor of the State of Alabama shall be a member and ex officio chairman of said State committee of public health.

SEC. 2. That section 699, Code of Alabama, 1907, be, and the same is hereby, repealed and the following substituted therefor:

699. *State board of health; how represented.*—When the State board of health is not in session said State committee of public health shall act for said

board and have and discharge all the prerogatives and duties of said board, including the adoption and promulgation of rules and regulations provided for in this act; when said committee is not in session the State health officer shall act for said board and said committee and shall report to the said board and said committee at its regular meeting his actions, and said board or said committee may at any time revoke any action of said health officer.

SEC. 3. That section 700, Code of Alabama, 1907, be, and the same is hereby, amended to read as follows:

SEC. 700. *County boards of health; how constituted.*—The boards of censors of county medical societies in affiliation with the Medical Association of the State of Alabama and organized in accordance with the provisions of its constitution as it now or may hereafter exist are hereby constituted and when acting as such shall be known as county boards of health of their respective counties, including all incorporated municipalities therein, and shall be under the general supervision and control of the State board of health. Whenever the name "county committee of public health" or other name or expression referring to the county committee of public health as such now occurs in the Code of Alabama, this act or any other statute law of the State of Alabama, or in the constitution of the Medical Association of the State of Alabama, or in the constitution of the medical society of a county in the State of Alabama in affiliation with the Medical Association of the State of Alabama, said name or expression shall hereafter be read and understood and construed to mean the county board of health herein provided for; and the chairman of the board of revenue and the presiding officer of the courts of county commissioners or other like county governing boards shall be a member of the county boards of health in his county, respectively.

SEC. 4. That section 701, Code of Alabama, 1907, be, and the same is hereby, amended so as to read as follows:

701 (2433) (1286) (1543). *State and county boards in sole control of public health.*—No local board of health or other executive body for the exercise of public-health functions, other than the county board of health, shall be established or exist in any county or municipality. Nor shall any municipality have a municipal health officer or other like officer. Nor shall any board, body, or organization, or any official or person, acting or claiming to act under any Federal authority, or acting without claim of Federal or State authority, engage in any public-health work except under the supervision and control of the State board of health: *Provided, however,* That such control of the State board of health shall not be required in the case of, nor shall the inhibition of this section apply to, organizations affiliated with the Antituberculosis League of the State of Alabama, nor to any similar organization operating under the direction of the National Tuberculosis Association.

SEC. 5. That section 702,¹ Code of Alabama, 1907, be, and the same is hereby, amended to read as follows:

702. *State board of health; authority and jurisdiction.*—The State board of health shall have authority and jurisdiction—

(1) To exercise general control over the enforcement of the laws relating to public health.

(2) To investigate the causes, modes of propagation, and means of prevention of diseases.

(3) To investigate the influence of localities and employment on the health of the people.

(4) To inspect all schools, hospitals, asylums, jails, almshouses, theaters, opera houses, courthouses, churches, public halls, prisons, stockades where con-

¹ Pub. Health Repts. Reprint 338, p. 2.

victs are kept, markets, dairies, milk depots, slaughter pens or houses, railroad depots, railroad cars, street railroad cars, lines of railroads and street railroads (including the territory contiguous to said lines), industrial and manufacturing establishments, offices, stores, banks, clubhouses, hotels, rooming houses, residences, and other places of like character, and whenever insanitary conditions in any of these places, institutions, or establishments, or conditions prejudicial to health, or likely to become so, are found, proper steps shall be taken by the proper authorities to have such conditions corrected or abated.

(5) To examine the source of supply, tanks, reservoirs, pumping stations, and avenues of conveyance of drinking water, and whenever these waters are found polluted or conditions are discovered likely to bring about their pollution proper steps shall be taken by the proper authorities to improve or correct conditions.

(6) To adopt and promulgate rules and regulations providing proper methods and details for administering the health and sanitary laws of the State, which rules and regulations shall have the force and effect of law and shall be executed and enforced by the same courts, bodies, officials, agents, and employees as in the case of health laws, and any person knowingly violating or failing or refusing to obey or comply with any such rule or regulation shall be guilty of a misdemeanor and shall be punished in accordance with the provisions of section 7073 of this code; and if the violation or failure is a continuing one, each day's violation or failure shall constitute a separate offense and be punishable accordingly.

(7) To exercise supervision and control over county boards of health and over county health officers and county quarantine officers in the enforcement of the public-health laws of the State in their respective counties, and whenever any such county board of health, county health officer, or county quarantine officer shall fail or refuse to discharge its or his duties said duties may be discharged by the State board of health until proper arrangements are made to insure their discharge by said county board of health or said county health officer or said county quarantine officer, as the case may be.

(8) To act as an advisory board to the State in all medical matters and matters of sanitation and public health.

SEC. 6. That section 703,² Code of Alabama, 1907, be, and the same is hereby, amended to read as follows:

703. *County boards of health; authority and jurisdiction.*—It shall be the duty of the county boards of health in their respective counties and subject to the supervision and control of the State board of health—

(1) To supervise the enforcement of the health laws of the State, including all ordinances or rules and regulations of municipalities or of county boards of health or of the State board of health; and to supervise the enforcement of the law for the collection of vital and mortuary statistics; and to adopt and promulgate, if necessary, rules and regulations for administering the health laws of the State and the rules and regulations of the State board of health, which rules and regulations of the county boards of health shall have the force and effect of law and shall be executed and enforced by the same bodies, officials, agents, and employees as in the case of health laws; and any person knowingly violating or failing or refusing to obey or comply with any such rule or regulation shall be guilty of a misdemeanor and shall be punished in accordance with the provisions of section 7073 of this code; and if the violation or failure is a continuing one, each day's violation or failure shall constitute a separate offense and be punishable accordingly.

² Pub. Health Repts. Reprint 338, p. 3.

(2) To investigate through county health officers or quarantine officers cases or outbreaks of any of the diseases enumerated or referred to in section 716 of this code and to enforce such measure for the prevention or extermination of said diseases as are authorized by law.

(3) To investigate through county health officers or quarantine officers all nuisances to public health and through said officers to take proper steps for the abatement of such nuisances.

(4) To exercise through county health officers or quarantine officers special supervision over the sanitary conditions of schools, hospitals, asylums, jails, almshouses, theaters, opera houses, courthouses, churches, public halls, prisons, markets, dairies, milk depots, slaughter pens or houses, railroad depots, railroad cars, street railroad cars, lines of railroads and street railroads (including the territory contiguous to said lines), industrial and manufacturing establishments, offices, stores, banks, clubhouses, hotels, rooming houses, residences, the sources of supply, tanks, reservoirs, pumping stations, and avenues of conveyance of drinking water, and other institutions and places of like character; and whenever insanitary conditions are found to use all legal means to have the same abated.

(5) To elect a county health officer, subject to the approval of the State committee of public health, who shall devote all of his time to the duties of his office, and to fix the term of office at not less than three years, in such counties of the State as shall through its proper authorities make appropriation for the payment of the salary of an all-time health officer and provide him with an office and the expenses named in subsection 11 of section 706 of this act; and in the event any county or counties shall fail or refuse to make such appropriations certain duties of an all-time health officer shall be done and performed by the quarantine officer hereinafter provided for. No county health officer elect shall assume office until his election shall have been approved by the State committee of public health, and if such committee refuses to approve his election another county health officer shall be forthwith elected. The jurisdiction of such officer shall extend to all parts of the county, including all incorporated municipalities; and should the health officer so elected neglect or fail faithfully to perform any of the duties which are lawfully prescribed for him it shall be the duty of the State health officer to remove said county health officer from office; and when any county health officer shall be so removed he shall have the right to appeal to the State committee of public health, and when such appeal has been taken said committee shall investigate fully the causes for which he was removed from office. If six members of said committee vote to affirm the action of said State health officer, then his action shall be affirmed; otherwise it shall be reversed.

(6) Whenever two or more counties acting through their respective courts of county commissioners or boards of revenue, as the case may be, shall agree to appropriate proportionately from the funds of their respective counties a sufficient sum to pay the salaries of an all-time health officer and assistants and provide him with an office, supplies, and expenses as provided in subsection 2 of section 706 of this act, then the county boards of health of these respective counties shall meet in joint session and elect an all-time health officer, and fix his term of office at not less than three years, who shall devote all of his time to the duties of his office in the district for which he is elected. No all-time health officer elected under the authority of this subsection shall assume office until his election shall have been approved by the State committee on public health, and if such committee refuses to approve his election another district health officer shall forthwith be elected. The jurisdiction of such officer shall

extend to all parts of each county in the district, including all incorporated municipalities in the several counties composing such district, and he shall be subject to removal as provided in subsection 5 next preceding. The minimum salary of such district health officer shall be not less than \$2,400 per annum, paid monthly out of the budget provided by the several counties composing said district.

SEC. 7. That subsections 1 and 2 of subdivision 1, section 706,³ Code of Alabama, 1907, as amended by an act approved September 25, 1915, Acts 1915, page 782, be, and the same are hereby, amended to read as follows:

706. Subdivision 1, subsection 1. The office of part-time county health officer is hereby abolished to take effect January 1, 1920, and the county health officer elected as provided in section 703 of the code as amended by this act shall devote all of his time to official work. He shall, under the direction of the State health officer and the county board of health, have sole direction of all sanitary and public health work within the county, including incorporated municipalities, and shall employ for his assistants subject to the approval of the county board of health such number of physicians, nurses, clerks, inspectors, and other employees as are found necessary to accomplish the work. The salary of the health officer shall, within the limits of section 707 of the code as amended herein, be fixed by the court of county commissioners or like board and shall be paid out of the budget which shall be provided by the county for the prosecution of the public health work and sanitation. Each incorporated municipality having a population of 5,000 or more according to the last Federal census, in counties which have provided for a health officer, shall provide a budget consisting of a sufficient sum of money properly to safeguard the public health and promote sanitation within the corporate limits of the municipality, and all municipalities may make appropriations especially for public health work. All assistants and employees of the county board of health shall be appointed by the county health officer subject to the approval of the county board of health and county board of revenue or board of like character. Employees whose functions are discharged solely in a municipality shall be approved by the city commission or like governing body of said municipality and not by the county board of revenue, or boards of like character. The county health officer shall have full and complete authority to remove from office any assistant or employee. It shall be the duty of the county health officer:

Subsection 2. To authorize in writing a member of the county medical society acceptable to the county board of health to act for him in case of a contemplated absence from the county of such duration, or in case of a disability from any cause of such character, as would interfere with the discharge of his official duty: *Provided*, That such member accepts in writing such delegation of authority: *And provided further*, That he shall notify the chairman of the county board of health and the State health officer of such arrangement: *And provided further*, That no county health officer shall absent himself from the county for a period longer than 30 days unless he first obtains the approval of the State health officer.

SEC. 8. That Subdivision 2 of section 706, Code of Alabama, 1907, as amended by an act approved September 25, 1915, Acts 1915, page 786, be, and the same is hereby, repealed.

SEC. 9. That subsections 2 and 6 of subdivision 3, section 706, Code of Alabama, 1907, as amended by an act approved September 25, 1915, Acts 1915, page 786, be, and they are hereby, amended to read as follows:

Subsection 2. To occupy an office in the courthouse of the county, to be assigned by the court of county commissioners or other like board, and in the

³ Pub. Health Repts. Reprint 338, p. 6.

event that an office in the courthouse is not available the same court or board may in its discretion provide an office for him conveniently located with reference to the courthouse; and the court of county commissioners or other like board may in its discretion appropriate from the revenue of the county such sums as are found necessary to furnish and equip the office of the county health officer with all necessary supplies, and furnish all necessary clerical help, transportation, and other expenses of the county health officer, and may in its discretion appropriate from the revenues of the county money for the prosecution of public-health work which has been recommended by the county health officer and indorsed by the county board of health and approved by said court of county commissioners or other like board.

Subsection 6. To teach the proprietors of slaughterhouses, dairies, grocery houses, hotels, lunch stands, etc., the importance of protecting all food products from dust and insects of every kind and to require the proper protection of food products by glass cases, screens, or other devices approved by the county board of health and to impress upon the people of the county the importance of similar protection in their own homes.

SEC. 10. That section 707,⁴ Code of Alabama, 1907, as amended by act approved September 25, 1915, Acts 1915, page 788, be amended so as to read as follows:

707. *Salary of county health officer; how paid.*—The salary of the county health officer shall be fixed by the court of county commissioners or other like board, but in no event shall salary be fixed at a less amount than \$200 per month, payable monthly from the county treasury as in the case of other salaries paid by the county: *Provided*, That nothing herein contained shall prevent said courts of county commissioners, or boards of revenue, from paying the health officer of their county such additional sum as salary as to them shall seem right and proper.

SEC. 11. That section 709, Code of Alabama, 1907, be amended so as to read as follows:

709. *Assistant county health officers shall be appointed.*—The county health officer may, subject to the approval of the county board of health, appoint such assistant health officer if any, and so distribute them throughout the county (including municipalities), as he may consider necessary. Said county health officer may remove any assistant health officer so appointed.

SEC. 12. That section 710,⁵ and each subsection thereof, Code of Alabama, 1907, be, and the same is hereby, repealed and the following substituted therefor:

710. *County quarantine officer.*—There shall be in each county having no health officer a county quarantine officer who shall be appointed by the State committee of public health on the recommendation of the county board of health whose tenure of office shall expire on the election of a county health officer: *Provided*, That in no event shall his term of office extend more than three years from the date of his appointment: *And provided further*, That the State committee of public health shall have power to remove a quarantine officer at any time when in its judgment the public good requires such removal. The salary of the county quarantine officer shall be fixed at not exceeding \$25 per month by the court of county commissioners or other like board, and shall be paid in monthly installments from the county treasury as in the case of other salaries paid by the county. The county quarantine officer shall, under the supervision and control of the State health officer and the county board of health, perform all the duties in connection with the isolation and quarantine of cases of infectious and contagious diseases that are required of county health officers in counties having county health officers.

⁴ Pub. Health Repts. Reprint 338, p. 9.

⁵ Pub. Health Repts. Reprint 338, p. 5.

SEC. 13. That section 711, Code of Alabama, 1907, be amended so as to read as follows:

711. *Midwifery; regulations of.*—Subdivision 1. It shall be unlawful for any person, other than a regularly licensed physician, to practice as a midwife without first making written application for and receiving a certificate of approval from the county board of health. The term "midwife" shall be construed to include any person, other than a regularly licensed physician, who shall attend, or who shall bargain, contract, or agree to attend, any woman at or during childbirth.

Subdivision 2. No permit shall be issued by a county board of health to any person to practice as a midwife, unless such person shall present to the said board of health satisfactory evidence of having or possessing sufficient knowledge and skill in the art of midwifery, and that such person is free from a communicable disease and of good moral character.

Subdivision 3. County boards of health shall from time to time, upon application made in such form as may be prescribed by the State board of health, and in such manner as said State board of health may determine, either by a schedule of questions to be answered and subscribed, or orally, examine each person of good moral character and temperate habits who desires to engage in the practice of midwifery, as to his or her qualifications and knowledge of the art, and if a majority of the county board of health shall be satisfied that such person is competent to engage in the practice of midwifery, said board shall enter the name of such person as a registered midwife in a book provided for that purpose, and shall issue to such person a certificate of approval, to be signed by the chairman of said board and countersigned by the county health officer.

SEC. 14. That section 712, Code of Alabama, 1907, be amended so as to read as follows:

712. *Registration of births and deaths.*—Subdivision 1. The State board of health shall have charge of the registration of births and deaths; shall prepare the necessary instructions, forms, and blanks for obtaining and preserving such records, and shall procure the faithful registration of the same in each primary registration district, as constituted in subdivision 3 of this section, and in the central bureau of vital statistics at the capitol of the State. Said board shall be charged with the uniform and thorough enforcement of the law throughout the State, and shall from time to time recommend any additional legislation that may be necessary for this purpose.

Subdivision 2. The State board of health shall have general supervision over the central bureau of vital statistics. The State registrar of vital statistics shall be appointed by the State board of health. He shall hold office at the pleasure of said board, and shall receive such compensation as the board may fix. The State board of health shall provide such clerical and other assistants as may be necessary for the purposes of this section, who shall serve during the pleasure of the board, and said board shall fix the compensation of persons thus employed. The State board of health shall provide for the bureau of vital statistics suitable offices, which shall be properly equipped with filing cases for the permanent and safe preservation of all official records made and returned under this section.

Subdivision 3. For the purposes of this section the State shall be divided into registration districts as follows: Each voting precinct in the State shall constitute a primary registration district: *Provided*, That the State board of health may combine two or more primary registration districts or subdivide any primary registration district when necessary to facilitate registration.

Subdivision 4. As soon as possible after the taking effect of this section the State board of health shall appoint a local registrar of vital statistics for each registration district in the State. The term of office of each local registrar so appointed shall be four years, and until his successor has been appointed and has qualified, unless such office shall sooner become vacant by death, disqualification, operation of law, or other cause: *Provided*, That in cities where other officials are, in the judgment of the State board of health, conducting effective registration of births and deaths under local ordinances at the time of the taking effect of this section, such officials may be appointed as registrars in and for such cities, and shall be subject to the rules and regulations of the State registrar, and to all of the provisions of this section. Any vacancy occurring in the office of local registrar of vital statistics shall be filled for the unexpired term by the State board of health. At least 10 days before the expiration of the term of office of any such local registrar, his successor shall be appointed by the State board of health. Any local registrar who, in the judgment of the State board of health, fails or neglects to discharge efficiently the duties of his office shall be forthwith removed by the State board of health. Each local registrar shall, immediately upon his acceptance of appointment as such, appoint a deputy, whose duty it shall be to act in his stead in case of his absence or disability; and such deputy shall in writing accept such appointment and be subject to all laws, rules, and regulations governing local registrars. And when it appears to him expedient the local registrar may with the approval of the State registrar appoint one or more suitable persons to act as subregistrars, who shall be authorized to receive certificates of births and deaths and to issue burial or removal permits in and for such portions of the district as may be designated; and each subregistrar shall note, on each certificate, over his signature, the date of filing, and shall forward all certificates to the local registrar of the district within 10 days, and in all cases before the third day of the following month: *Provided*, That each subregistrar shall be subject to the supervision and control of the State registrar, and may be by him removed for neglect or failure to perform his duty in accordance with law and the rules and regulations governing local registrars.

Subdivision 5. No dead human body shall be buried, cremated, or otherwise disposed of, or removed from or into any registration district, or be temporarily held pending further disposition more than 72 hours after death, unless a permit for burial, removal, or other disposition thereof shall have been properly issued by the local registrar of the registration district in which the death occurred or in which the body was found. And no such burial or removal permit shall be issued by any registrar until a complete and satisfactory certificate of death has been filed with him as herein provided: *Provided*, That when any such body is transported from outside the State into a registration district in Alabama for burial the transit or removal permit issued in accordance with the law and health regulations of the place where the death occurred shall be accepted by the local registrar of the district into which such body has been transported for burial or other disposition as a basis upon which he may issue a local burial permit; and he shall note upon the face of the burial permit the fact that it is a body shipped in for interment and give the actual place of death; and no local registrar shall receive any fee for the issuance of burial or removal permits other than the compensation provided in subdivision 20: *And provided further*, That in sparsely settled districts, to be designated by the State registrar of vital statistics, or when it is impracticable to file a death certificate, a local registrar may issue a burial or removal

permit without a certificate if a responsible person assumes the obligation to file a satisfactory certificate within 10 days.

Subdivision 6. A stillborn child shall be registered as a birth and also as a death and separate certificates of the birth and the death shall be filed with the local registrar in the usual form and manner, the certificate of birth to contain in place of the name of the child the word "Stillborn": *Provided*, That neither a certificate of birth nor a certificate of death shall be required for a child that has not advanced to the fifth month of uterogestation. The medical certificate of the cause of death shall be signed by the attending physician, if any, and shall state the cause of death as "stillborn," with the cause of stillbirth, if known, whether a premature birth, and, if a premature birth, the period of uterogestation, in months, if known; and a burial or removal permit of the prescribed form shall be required. Midwives shall not sign certificates of death for stillborn children, but such cases, and stillbirths occurring without attendance of either physician or midwife, shall be treated as deaths without medical attendance, as provided for in subdivision 8 of this section.

Subdivision 7. Certificates of death shall be upon such forms, and shall contain such matter, as may be provided for from time to time by the rules and regulations of the State board of health. The personal statistical particulars shall be authenticated by the signature of the informant, who may be any competent person acquainted with the facts. The statement of facts relating to the disposition of the body shall be signed by the undertaker or person acting as such. The medical certificate shall be made and signed by the physician, if any, last in attendance on the deceased, who shall specify the time in attendance, the time he last saw the deceased alive, and the hour of the day at which death occurred. And he shall further state the cause of death, so as to show the course of disease or sequence of causes resulting in the death, giving first the name of the disease causing death (primary cause) and the contributory (secondary) cause, if any, and the duration of each. Indefinite and unsatisfactory terms, denoting only symptoms of disease or conditions resulting from disease, will not be held sufficient for the issuance of a burial or removal permit; and any certificate containing only such terms, as defined by the State registrar, shall be returned to the physician or person making the medical certificate for correction and more definite statement. Causes of death which may be the result of either disease or violence shall be carefully defined; and if from violence, the means of injury shall be stated, and whether (probably) accidental, suicidal, or homicidal. And for deaths in hospitals or other institutions, or of nonresidents, the physician shall supply the personal statistical particulars, if he is able to do so, and may state where, in his opinion, the disease was contracted.

Subdivision 8. That in case of any death occurring without medical attendance, it shall be the duty of the undertaker to notify the local registrar of such death, and when so notified the registrar shall, prior to the issuance of the permit, inform the local health officer and refer the case to him for immediate investigation and certification: *Provided*, When there is no such official, and in such cases only, the registrar is authorized to make the certificate and return from the statement of relatives or other persons having adequate knowledge of the facts: *Provided further*, That if the registrar has reason to believe that the death may have been due to unlawful act or neglect, he shall then refer the case to the coroner or other proper officer for his investigation and certification. And the coroner or other proper officer whose duty it is to hold an inquest on the body of any deceased person, and to make the certificate of death required for a burial permit, shall state in his certificate the name of the disease caus-

ing death, or if from external causes, (1) the means of death; and (2) whether (probably) accidental, suicidal, or homicidal; and shall, in any case, furnish such information as may be required by the State registrar in order properly to classify the death.

Subdivision 9. The undertaker, or person acting as undertaker, shall file the certificate of death with the local registrar of the district in which the death occurred and obtain a burial or removal permit prior to any disposition of the body. He shall obtain the required personal and statistical particulars from the person best qualified to supply them, over the signature and address of his informant. He shall then present the certificate to the attending physician, if any, or to the health officer or coroner as directed by the local registrar for the medical certificate of the cause of death and other particulars necessary to complete the record, as provided in subdivisions 7 and 8. And he shall then state the facts required relative to the date and place [of] burial or removal, over his signature and with his address, and present the completed certificate to the local registrar in order to obtain a permit for burial, removal, or other disposition of the body. The undertaker shall deliver the burial permit to the person in charge of the place of burial, before interring or otherwise disposing of the body; or shall attach the removal permit to the box containing the body when shipped by any transportation company; said permit to accompany the body to its destination, where, if within the State of Alabama, it shall be delivered to the person in charge of the place of burial. Every person, firm, or corporation selling a burial casket, and every person who makes one on a special order, shall keep a record showing the name and post-office address of the purchaser or orderer, name of deceased, and date and place of death of deceased, which record shall be open to inspection of the State registrar at all times. On the first day of each month the person, firm, or corporation selling caskets or making them on special order shall report to the State registrar each sale or making for the preceding month, on a blank provided for that purpose: *Provided, however*, That no person, firm, or corporation selling caskets to dealers or undertakers only shall be required to keep such record, nor shall such report be required from undertakers when they have direct charge of disposition of the body. Every person, firm, or corporation selling a casket at retail and not having charge of the disposition of the body shall inclose with the casket a notice furnished by the State registrar calling attention to the requirements of the law, a blank certificate of death, and the rules and regulations of the State board of health concerning the burial or other disposition of a dead human body.

Subdivision 10. If the interment, or other disposition of the body, is to be made within the State, the wording of the burial or removal permit may be limited to a statement by the registrar, and over his signature, that a satisfactory certificate of death having been filed with him, as required by law, permission is granted to inter, remove, or dispose otherwise of the body, stating the name, age, sex, cause of death, and other necessary details upon form prescribed by the State registrar.

Subdivision 11. No person in charge of any premises on which interments are made shall inter or permit the interment of or other disposition of any human body unless it is accompanied by a burial, removal, or transit permit, as herein provided. Any such person shall indorse upon the permit the date of interment over his signature, and shall return all permits so indorsed to the local registrar of his district within 10 days from the date of the interment, or within the time fixed by local ordinance. He shall keep a record of all bodies interred or otherwise disposed of on the premises under his charge, in each case stating the name of each deceased person, place of death, date of burial or disposal, and name and address of the undertaker; which record shall

at all times be open to official inspection: *Provided*, That the undertaker or person acting as such, when burying a body in a cemetery or burial ground having no person in charge, shall sign the burial or removal permit, giving the date of burial, and shall write across the face of the permit the words "No person in charge" and file the burial or removal permit within 10 days with the registrar of the district in which the cemetery is located.

Subdivision 12. The birth of each and every child born in this State shall be registered as hereinafter provided.

Subdivision 13. Within 10 days after the date of a birth, there shall be filed with the local registrar of the district in which the birth occurred a certificate of such birth, which certificate shall be upon the form adopted by the State board of health, with a view to procuring a full and accurate report with respect to each item of information that may be required under subdivision 14 of this section. In each case where a physician, midwife, or person acting as midwife, was in attendance upon the birth, it shall be the duty of such physician, midwife, or person acting as midwife to file said certificate in accordance herewith. In each case where there was no physician or midwife in attendance upon the birth, it shall be the duty of the father or mother of the child, the householder or owner of the premises where the birth occurred, or the manager or superintendent of the public or private institution where the birth occurred, each in the order named, within 10 days after the date of such birth, to report to the local registrar the fact of such birth. In such case and in the case the physician or midwife, or other person reporting said birth, is unable, by diligent inquiry, to obtain any item or items of information contemplated by subdivision 14 of this section, it shall then be the duty of the local registrar to secure from the person so reporting, or from any other person having the required knowledge, such information as will enable him to prepare the certificate of birth herein contemplated, and it shall be the duty of the person reporting the birth or who may be interrogated in relation thereto [to] answer correctly and to the best of his knowledge all questions put to him by the local registrar which may be calculated to elicit any information needed to make a complete record of the birth as contemplated by said subdivision 14, and it shall be the duty of the informant as to any statement made in accordance herewith to verify such statement by his signature, when requested so to do by the local registrar.

Subdivision 14. Certificates of birth shall be upon such forms, and shall contain such matter, as may be provided for from time to time by the rules and regulations of the State. Such certificates shall be signed by the attending physician or midwife, with date of signature and address; if there is not a physician or midwife in attendance, then by the father or mother of the child, chief occupant of the premises, or manager or superintendent of public or private institution where the birth occurred, or other competent person, whose duty it shall be to notify the local registrar of each birth, as required by subdivision 13 of this section. The exact date of filing in office of local registrar, attested by his official signature, and registered number of birth, shall be by said registrar noted on each birth certificate.

Subdivision 15. When any certificate of birth of a living child is presented without the statement of the given name, then the local registrar shall make out and deliver to the parents of the child a special blank for the supplemental report of the given name of the child, which shall be filled out as directed, and returned to the local registrar as soon as the child shall have been named.

Subdivision 16. Every physician, midwife, undertaker, dealer in coffins, and maker of coffins shall, without delay, register his name, address, and occupation with the local registrar of the district in which he resides, or may hereafter establish a residence; and shall thereupon be supplied by the local regis-

trar with a copy of this section, together with such rules and regulations as may be promulgated by the State board of health relative to its enforcement. Within 30 days after the close of each calendar year each local registrar shall make a return to the State registrar of all physicians, midwives, or undertakers, or makers of coffins who have been registered in his district during the whole or any part of the preceding calendar year: *Provided*, That no fee or other compensation shall be charged by local registrars to physicians, midwives, or undertakers for registering their names under this section or making returns thereof to the State registrar.

Subdivision 17. All superintendents, managers, or other persons in charge of hospitals, almshouses, lying-in or other institutions, public or private, to which persons resort for treatment of diseases or confinement, or are committed by process of law, shall forthwith make a record of all the personal and statistical particulars relative to the inmates in their institutions which are required in the forms of the certificates provided for by this subdivision as directed by the State registrar; and thereafter such record shall be, by them, made for all future inmates at the time of their admittance. And in case of persons admitted for treatment of disease, the physician in charge shall specify for entry in the record the nature of the disease and where, in his opinion, it was contracted. The personal particulars and information required by this section shall be obtained from the individual himself if it is practicable to do so; and when they can not be so obtained, they shall be obtained in as complete a manner as possible from relatives, friends, or other persons acquainted with the facts.

Subdivision 18. The State registrar shall, under the supervision of the State board of health, prepare, print, and supply to local registrars all blanks and forms used in registering, recording, and preserving the returns, or in otherwise carrying out the purposes of this section, and shall prepare and issue such detailed instructions as may be required to procure the uniform observance of its provisions and the maintenance of a perfect system of registration; and no other blanks shall be used than those supplied by the State registrar. He shall carefully examine the certificates received monthly from the local registrars, and if any such are incomplete or unsatisfactory he shall require such further information to be supplied as may be necessary to make the record complete and satisfactory, and all physicians, midwives, informants, undertakers, and all other persons having knowledge of the facts are hereby required to supply, upon a form provided by the State registrar or upon the original certificate, such information as they may possess regarding any birth or death upon demand of the State registrar, in person, by mail, or through the local registrar: *Provided*, That no certificate of birth or of death, after its acceptance for registration by the local registrar, and no other record made in pursuance of this section, shall be altered or changed in any respect otherwise than by amendments properly dated, signed, and witnessed. The State registrar shall further arrange, bind, and permanently preserve the certificates in a systematic manner, and shall prepare and maintain a comprehensive and continuous index of all births and deaths registered, said index to be arranged alphabetically, in the case of deaths, by the names of decedents, and in the case of births, by the names of fathers and mothers. He shall inform all registrars what diseases are to be considered infectious, contagious, or communicable and dangerous to the public health, as decided by the State board of health, in order that when deaths occur from such diseases proper precautions may be taken to prevent their spread. All birth records and death records for years prior to 1908 which may now be in the possession of health officers or probate judges shall be forwarded to the registrar or vital statistics at Montgomery upon his request, and the registrar shall have copies and indexes of such records made, after which records shall be returned

to the counties from which they were received. If any cemetery company or association, or any church or historical society or association, or any other company, society, or association, or any individual is in possession of any record of births or deaths which may be of value in establishing the genealogy of any resident of this State, such company, society, association, or individual may file such record or a duly authenticated transcript thereof with the State registrar, and it shall be the duty of the State registrar to preserve such record or transcript and to make a record and index thereof in such form as to facilitate the finding of any information contained therein. Such record and index shall be open to inspection by the public, subject to such reasonable conditions as the State registrar may prescribe. If any person desires a transcript of any record filed in accordance herewith, the State registrar shall furnish the same upon application, together with a certificate that it is a true copy of such record, as filed in his office, and for his services in so furnishing such transcript and certificate he shall be entitled to a fee of 15 cents per hundred words and to a fee of 25 cents for the certificate, which fee shall be paid by the applicant.

Subdivision 19. Each local registrar shall apply blank forms of certificates to such persons as require them. Each local registrar shall carefully examine each certificate of birth or death when presented for record in order to ascertain whether or not it has been made out in accordance with the provisions of this section and the instructions of the State registrar; and if any certificate of death is incomplete or unsatisfactory, it shall be his duty to call attention to the defects in the return, and to withhold the burial or removal permit until such defects are corrected. All certificates, either of birth or of death, shall be written or typed legibly, in durable black ink, and no certificate shall be held to be complete and correct that does not supply all of the items of information called for therein, or satisfactorily account for their omission. If the certificate of death is properly executed and complete, he shall then issue a burial or removal permit to the undertaker: *Provided*, That in case the death occurred from some disease which is held by the State board of health to be infectious, contagious, or communicable and dangerous to the public health, no permit for the removal or other disposition of the body shall be issued by the registrar, except under such conditions as may be prescribed by the State board of health. If a certificate of birth is incomplete, the local registrar shall immediately notify the informant, and require him to supply the missing items of information if they can be obtained. He shall number consecutively the certificates of birth and of death, in two separate series, beginning with number 1 for the first birth and number 1 for the first death in each calendar year, and sign his name as registrar in attest of the date of filing in his said office. He shall also make a complete and accurate copy of each birth certificate and each death certificate registered by him in a record book supplied by the State registrar. When any such record book of births and deaths is filled, the local registrar shall deliver the same to the probate judge of the county, and said judge shall cause such books to be properly labeled and indexed so as to constitute permanent local records of births and deaths. On the 10th day of each month each local registrar shall transmit to the State registrar all original certificates registered by him for the preceding month. And if no births or no deaths occurred in any month he shall, on the 10th day of the following month, report that fact to the State registrar, on a card provided for such purpose.

Subdivision 20. Each local register shall be paid the sum of 25 cents for each birth certificate and each death certificate properly and completely made out and registered with him, and correctly recorded and promptly returned by him to the State registrar, as required by this section, except that city regis-

trars, who are already compensated by salary for their services, shall not receive further compensation as provided for in this section. And in case no births or no deaths were registered during any month, the local registrar shall be entitled to be paid the sum of 25 cents for each report to that effect, but only if such report be made promptly as required by this subdivision. All amounts payable to a local registrar under the provisions of this section shall be paid by the treasurer of the county in which the registration district is located, upon certification by the State registrar. And the State registrar shall annually certify to the treasurers of the several counties the number of births and deaths properly registered, with the names of the local registrars and the amount due each at the rates fixed herein.

Subdivision 21. The State registrar shall, upon request, supply to any applicant a certified copy of the record of any birth or death registered under provisions of this section, for the making and certification of which he shall be entitled to a fee of 50 cents, to be paid by the applicant. And any such copy of the record of a birth or death, when properly certified by the State registrar, shall be prima facie evidence in all courts and places of the facts therein stated. For any search of the files and records when no certified copy is made, the State registrar shall be entitled to a fee of 50 cents for each hour or fractional part of an hour of time of search, said fee to be paid by the applicant. **And the State registrar shall keep a true and correct account of all fees by him received under the provisions, and turn said fees over to the State treasurer: *Provided*, That the State registrar shall, upon request of any parent or guardian, supply, without fee, a certificate limited to a statement as to the date of birth of any child when the same shall be necessary for admission to school or for the purpose of securing employment: *And provided further*, That the United States Census Bureau may obtain, without expense to the State, transcripts or certified copies of births and deaths without payment of the fees herein prescribed.**

Subdivision 22. It shall be unlawful for any person, for himself or as an officer, agent, or employee of any other person, or of any corporation or partnership (a) to inter, cremate, or otherwise finally dispose of a dead human body or permit the same to be done, or to remove such body from the primary registration district in which the death occurred or the body was found, without the authority of a burial or removal permit issued by the local registrar of the district in which the death occurred or in which the body was found; or (b) to refuse or fail to furnish correctly any information in his possession, or to furnish false information, affecting any certificate or record required by this section; or (c) willfully to alter, otherwise than is provided by subdivision 18 of this section, or falsify any certificate of birth or death, or any record established by this section, or (d) being required by this section to fill out a certificate of birth or death and file the same with the local registrar, or deliver it, upon request to any person charged with the duty of filing the same, to fail, neglect or refuse to perform such duty in the manner required by this section, or (e) being a local registrar, deputy registrar, or subregistrar, to fail, neglect, or refuse to perform his duty as required by this section and by the instructions and directions of the State registrar thereunder, shall be deemed guilty of a misdemeanor and upon conviction thereof shall, for the first offense, be fined not less than \$5 nor more than \$50, and for each subsequent offense not less than \$10 nor more than \$100, or be imprisoned in the county jail not more than 60 days, or be both fined and imprisoned in the discretion of the court. It shall be the duty of every minister of the gospel, or other person conducting religious services at a funeral, to inquire whether or not a burial or removal permit has been secured for the disposition of the body. Should

it be found that a burial permit has not been secured the undertaker or person in charge of the funeral shall be notified by said minister of the law governing the issuance of burial permits.

Subdivision 23. Each local registrar is hereby charged with the strict and thorough enforcement of the provisions of this section in his registration district, under the supervision and direction of the State registrar, and he shall make an immediate report to the State registrar of any violation of this section coming to his knowledge, by observation or upon complaint of any person, or otherwise. The State registrar is hereby charged with the thorough and efficient execution of the provisions of this section in every part of the State, and is hereby granted supervisory power over local registrars, deputy local registrars, and subregistrars, to the end that all of its requirements shall be uniformly complied with. The State registrar, either personally or by an accredited representative, shall have the authority to investigate cases of irregularity or violation of this section, and all registrars shall aid him, upon request, in such investigations. When he shall deem it necessary, he shall report cases of violation of any of the provisions of this section to the proper solicitor and grand jury with a statement of the facts and circumstances, and upon such report to him said solicitor shall forthwith initiate and promptly follow up the necessary court proceedings against the person or corporation responsible for said violation. And upon request of the State registrar the attorney general shall assist in the enforcement of the provisions of this section.

Subdivision 24. Except as otherwise provided by law, salaries of all employees and the costs of all supplies and all other expenses necessary to make operative the provisions of this section shall be paid by the State board of health out of the general appropriation made by the legislature for public health work.

Sec. 15. That section 713,⁶ Code of Alabama, 1907, be, and the same is hereby, amended to read as follows:

713. (2440) (1293). *Provisions concerning water supply.*—Subdivision 1. The State board of health shall have general supervision and control over all water supplies and waterworks in the State in so far as the sanitary and physical quality of waters furnished may affect the public health or comfort and shall from time to time, by its employees or agents, examine the sources of supply of waterworks systems and the method of filtering and treating water and delivering the same to consumers. Said board shall, when requested, consult with and advise the municipal authorities and other persons having, or intending to have, waterworks installed, enlarged, or improved as to the most appropriate source of water supply and the best method of assuring its purity.

Subdivision 2. It shall be the duty of every person, firm, municipal or other public corporation, quasi-public corporation, private corporation, or other body or institution furnishing or supplying water for human consumption or for domestic uses to deliver at the State laboratory of the State board of health, in containers supplied by said laboratory for that purpose, once every three months and oftener if in the opinion of the State board of health it should be necessary, a sample of water furnished to consumers. It shall be the duty of the State board of health to cause a bacteriological, sanitary, or chemical analysis to be made of each sample so delivered and to record such analysis in a book kept for that purpose in the office of the State board of health and to furnish to the municipal authorities of the municipality using

⁶ Pub. Health Repts. Reprint 333, p. 10.

such water and to the owner of the waterworks furnishing such water a copy of such analysis.

Subdivision 3. It shall be unlawful to furnish or supply water intended to be used for human consumption or for domestic uses which is impure, unwholesome, unpotable, polluted, or dangerous to health, or has been so declared by the State board of health.

Subdivision 4. Whenever it is proposed to furnish or supply, or to continue to furnish or supply water for human consumption or for domestic uses, whether to municipalities or to other groups of persons, whether large or small groups, or to install, add to, modify, or alter any water plant, works, system, or sources of supply, the person, firm, or corporation so proposing shall file with the State board of health as herein provided a petition for permission so to do, together with complete plans and specifications and a statement containing a general description of the proposed water-supply system, or of the proposed changes in the existing system, showing the geographical location thereof with relation to the source of water supply, and the manner of storage, purification, or treatment proposed or used for the supply previous to its delivery to consumers, and all the sanitary and health conditions surrounding and affecting said supply and the works, system, and plant, such plans, specifications, and general statement to be in such form and to cover such matters as the State board of health shall prescribe, except that this provision shall not apply to the mere extension of water pipes for the distribution of water: *Provided*, That before plans are drawn or applications filed for a prospective system of water supply a preliminary statement concerning the improvement may be made to the State board of health, whereupon the State board of health shall, if requested, outline in a general and tentative way the requirement conformity with which would meet with the board's approval. Upon the filing of such plans and specifications, accompanied by a payment estimated by the State board of health to be sufficient to pay the expenses of such investigation, a thorough investigation of the proposed or existing works, system, plant, water supply, and all other circumstances and conditions deemed by said board to be material must be made by said board. But no person, firm, or corporation supplying water solely for use on his or its private property, upon which there is no industrial camp, hotel, temporary resort, or permanent resort using said water, or supplying less than 50 person [sic], shall be required to apply for a permit under the provisions of this section, except upon formal complaint filed with the State board of health.

As a part of such investigation, and after 10 days' notice by mail to the petitioner, a hearing or hearings may be had before said board or an examiner appointed by it for the purpose. At such hearing or hearings witnesses who testify shall be sworn by the person conducting the hearing, and evidence, oral and documentary and by deposition, may be received, a record of which shall be made and filed with said board. Upon completion of such investigation said board: (a) If it shall determine as a fact that the water being supplied or to be supplied is such that under all the circumstances and conditions it is impure, unwholesome, or unpotable, or may constitute a menace or danger to the health or lives of human beings, or that under all the circumstances and conditions the existing or proposed works, system, plant, or water supply, or proposed modification therein, are unhealthful or insanitary, or not suited to the production and delivery of healthful, pure, and wholesome water, shall order the petitioner to make, within a time to be designated by said board, such changes as it deems necessary to secure a continuous supply of pure, wholesome, potable, and healthful water, or may prohibit the use of said water supply or the construction or operation of said works, system, or plant; and

thereafter it shall be unlawful to use said water supply or to construct or operate said works, system, or plant till said prohibition is withdrawn: *Provided*, That a temporary permit may be issued by said board for a reasonable period to permit the petitioner to comply with such order or orders, during which time said board may at its discretion, but, at the expense of the petitioner, have at said works an inspector whose orders for the sanitary operation of said works shall be carried out by those operating said works. (b) If it shall determine as a fact that the water being supplied or to be supplied is such that, under all the circumstances and conditions, it is pure, wholesome, and potable and does not endanger the lives or health of human beings, it shall grant the petitioner a permit authorizing petitioner to furnish or continue to furnish or supply such water to human beings: *Provided*, That all permits issued hereunder shall be revocable or subject to suspension by said board at any time that it shall determine, as a fact, that the water being supplied is or is in danger of becoming impure, unwholesome, or unpotable or does or will endanger the lives or health of human beings.

The State board of health and its inspectors shall, at reasonable times, have full power and authority to enter into and upon any and all places, property, inclosures, and structures for the purpose of making investigations to determine whether any provision of this section is being violated. The holder of any permit granted by said board may, at any time, be required by said board to furnish to said board upon demand a complete report upon the condition and operation of the water supply, plant, works, or system owned, operated, or controlled by said holder, which report shall be made by some competent person designated for the purpose by said board, and at the sole cost and expense of the holder of the permit. The State board of health may in any case make a reexamination at any time, and if satisfied that the conditions found to exist are such as to endanger the lives or health of the users of the water may revoke the permit. Any person, firm, corporation, public utility, municipality, or other body or institution who shall furnish or supply or continue to furnish or supply water used or intended to be used for human consumption or for domestic uses or purposes, or shall install additions to, modifications, alterations in any of the existing plants, works, systems, or sources of supply without having an unrevoked permit from the State board of health so to do, as herein provided, shall be held to have violated the provisions of this section; and may also, in addition to being prosecuted criminally, be enjoined from further violations by any court of competent jurisdiction, at the suit of the State board of health or of any person or persons, firm, municipal, or other corporation, whose supply of water for human consumption or for domestic uses or purposes is taken or received from or supplied or furnished by any such water furnishing or distributing person, firm, corporation, public utility, or municipality, or other body or institution. Anything done, maintained, or suffered in violation of any of the provisions of this section shall be deemed to be a public nuisance, dangerous to health, and may be abated, summarily or otherwise, in the manner provided by law, and it shall be the duty of all and every public officer or officers, body or bodies, lawfully empowered so to do to immediately abate the same.

Subdivision 5. Any person, firm, institution, or corporation dissatisfied with any such order of, or by the granting or refusal to grant any such permit by, the State board of health may, within 30 days after the making of such order or the granting of or refusal to grant such permit, appeal to any court of competent jurisdiction, and the said court shall render a decision approving, setting aside, or modifying the said order or final order or stating the conditions for the granting of said permit.

Subdivision 6. Every person, firm, corporation, public utility, municipality, or other body or institution, or officers, employee, or agent thereof upon whom the duty to act is cast, who shall violate any provision of this section, or who shall fail to obey, observe, or comply with any direction, order, requirement, or demand of any part or provision thereof of the State board of health, or who procures, aids, or abets any such person, firm, corporation, public utility, municipality, or other body or institution, or officer or employee or agent thereof in any failure to obey or comply with the provisions of this section or the orders of the State board of health as provided in this section, shall become liable for and forfeit to the State of Alabama the penal sum of not more than \$1,000 for each separate offense. The continued existence of any violation of this section for each and every day beyond the time stipulated for compliance with any of its provisions or of any order of the State board of health as provided herein shall constitute a separate and distinct offense. All such penalties are to be recovered by the State in civil action brought by the State of Alabama and such penalties when collected shall be paid into the general fund of the State treasury.

Subdivision 7. In all actions and proceedings for the enforcement of the provisions of this section, or of orders of the State board of health under the provisions of this section, the attorney general shall represent the said board, except in proceedings to which any of the public institutions of the State is a party defendant, and in such cases the board is authorized to employ special counsel.

SEC. 16. That section 714, Code of Alabama, 1907, be amended so as to read as follows:

714. *Report of physicians as to contagious diseases.*—Every physician who is called to a case of any of the diseases named or referred to in section 716 of this code shall, as soon thereafter as can be done, make a report thereof to the county health officer or the county quarantine officer and to the State health officer specifying the name and locality of the patient, the character of the disease, together with such other details as will furnish adequate information of the conditions and surroundings; and where the disease is one which is required by any health law, rule, or regulation to be isolated or quarantined shall take all proper steps to isolate or quarantine the case until the arrival of the county health officer or county quarantine officer: *Provided*, That if the disease be a venereal disease the person infected shall not be reported by name and address but as hereinafter provided.

SEC. 17. That section 716,^{*} Code of Alabama, 1907, be amended so as to read as follows:

716. *Notifiable diseases.*—Subdivision 1. The following diseases and disabilities are hereby made and declared to be notifiable diseases and occurrence of cases shall be reported as herein provided: Group A. Infectious diseases, viz, actinomycosis, anthrax, chancre, chicken pox, cholera (Asiatic, also cholera nostras when Asiatic cholera is present or its importation threatened), continued fever lasting seven days, dengue, diphtheria, dysentery (amebic), dysentery (bacillary), fomes [favus?], German measles, glanders, gonorrhea, hookworm disease, leprosy, malaria, measles, meningitis (epidemic cerebrospinal), meningitis (tuberculous), mumps, ophthalmia neonatorum (conjunctivitis of newborn infants), paragonimiasis (endemic hemoptysis), paratyphoid fever, plague, pneumonia (acute), poliomyelitis (acute infectious), rabies, Rocky Mountain spotted or tick fever, scarlet fever, septic sore throat, smallpox, syphilis, tetanus, trachoma, trichinosis, tuberculosis (all forms, the organ or part affected in each

^{*} Pub. Health Repts. Reprint 338, p. 1.

case to be specified), typhoid fever, typhus fever, whooping cough, yellow fever, epidemic influenza, and lethargic encephalitis.

Group B. Occupational diseases and injuries, viz, arsenic poisoning, brass poisoning, carbon monoxide poisoning, lead poisoning, mercury poisoning, natural-gas poisoning, phosphorus poisoning, wood-alcohol poisoning, naphtha poisoning, bisulphide of carbon poisoning, dimtrobazine [sic] poisoning, calisson disease (compressed air illness), any other disease or disability of the nature of the person's employment.

Group C. Diseases of unknown origin, viz, pellagra, cancer.

Group D. Such other diseases as the State board of health may from time to time in its discretion declare to be notifiable diseases.

Subdivision 2. Each physician practicing in the State of Alabama who treats or examines any person having, or suspected of having, any notifiable disease shall immediately report such cases of notifiable disease in the most expeditious manner possible, whether by telephone, telegraph, or special messenger, and within five days thereafter, in writing, to the county health officer or acting county health officer. Said written report shall be upon such forms and shall contain such matter as may be provided for from time to time by the rules and regulations of the State board of health. Whenever the disease is smallpox, or suspected of being smallpox, it shall be unlawful for any person who has been exposed to infection therefrom and who has not been successfully vaccinated to appear in any public place or any place other than his own home until after he is successfully vaccinated, and it shall be the duty of the county health officer to isolate in their own homes all persons who have been exposed to infection from another person infected with smallpox until they have been successfully vaccinated. In the event of an outbreak in any community it shall be unlawful for any person who has not been successfully vaccinated to be found in any public place or in any place other than his own home, and it shall be the duty of the State health officer to have such person isolated and confined in his own home until he is successfully vaccinated. If the disease is, or is suspected to be, typhoid fever, scarlet fever, diphtheria, or septic sore throat, the report shall also show whether the patient has been, or any member of the household in which the patient resides is, engaged or employed in the handling of milk for sale or preliminary to sale.

Subdivision 3. The superintendent or person in charge of any hospital, asylum, or other institution in which the sick are cared for may, with the written consent of the county health officer, report in the place of the attending physician or physicians the cases of notifiable diseases and disabilities occurring in or admitted to said hospitals, asylums, or other institutions and in the same manner as the report would otherwise have been made by the attending physician.

Subdivision 4. Whenever a person is known, or is suspected, to be afflicted with a notifiable disease, or whenever the eyes of an infant under two weeks of age become reddened, inflamed, or swollen, or contain an unnatural discharge, and no physician is in attendance, an immediate report of the existence of the case shall be made to the county health officer by the midwife, nurse, attendant, or other person in charge of the patient.

Subdivision 5. Teachers or other persons employed in, or in charge of, public or private schools, including Sunday schools, shall report immediately to the county health officer or quarantine officer such known or suspected cases of notifiable disease in persons attending or employed in their respective schools.

Subdivision 6. The written reports of cases of notifiable disease required of physicians by this article shall be made upon blanks supplied for the purpose, through the county health officer or quarantine officer, by the State board of

health, and physicians must secure blanks from the county health officer or quarantine officer.

Subdivision 7. County health or quarantine officers shall within seven days after the receipt by them of a report of a case of notifiable disease forward by mail to the State board of health the original written report made by the physician, after first having transcribed the information given therein on a book or other form of record for the permanent files of the county health officer. On each report thus forwarded the county health officer shall state whether the case to which the report pertains was visited or otherwise investigated by himself or his representative and whether measures were taken to prevent the spread of the disease or the occurrence of additional cases.

Subdivision 8. The county health officer shall, in addition to the provisions of subdivision 7, report daily to the State board of health, in such manner as the State board of health may by its rules and regulations require, the number of new cases of each of notifiable diseases reported to said county health officer.

Subdivision 9. Whenever there occurs an epidemic of a notifiable disease, the county health officer shall, within 30 days after the epidemic shall have subsided, make a report to the State board of health of the number of cases occurring in the epidemic, the number of cases terminating fatally, the origin of the epidemic, and the means by which the disease was spread; but whenever the State board of health has taken charge of the control and suppression or undertaken the investigation of the epidemic, the county health officer need not make such report.

Subdivision 10. The State board of health may take charge of the investigation of an epidemic or of the control and suppression thereof, or both, whenever in the opinion of that board the public welfare requires such a course of action, and in that event shall have and exercise all the power and authority that the county boards of health and the county health officer or county quarantine officer would have in the premises.

Subdivision 11. In counties in which there are no health officers, and in counties in which, although there are health officers, adequate provision has not in the opinion of the State board of health been made for the proper notification, investigation, and control of notifiable disease, and in localities in which the local health authorities fail to carry out the provisions of the health laws of the State and the rules and regulations of the State board of health, the State board of health may appoint properly qualified sanitary officers to act as local health officers and to prevent the spread of disease in and from such localities and to enforce said laws, rules, and regulations.

Subdivision 12. Syphilis, gonorrhea, and chancroid, herein designated venereal diseases, are hereby recognized and declared to be contagious, infectious, communicable diseases and dangerous to the public health. And it shall be unlawful for any person to treat or prescribe for any person having such disease, except a physician holding a certificate of qualification from the Alabama State Board of Medical Examiners issued under any preexisting statute or any statute which may hereafter be enacted governing the issuance of certificates to practice medicine in this State, or for any druggist to refill a prescription for such disease.

Subdivision 13. Any physician who makes a diagnosis in, or treats a case of, syphilis, gonorrhea, or chancroid, and the superintendent or manager of a hospital or dispensary or penal or other institution in which there is a case of venereal disease shall report such case immediately in writing to the county health officer, stating the physician's or institution's office number, the age, color, sex, and occupation of such diseased person, the date, as near as it can be arrived at, of the onset of the disease, and the probable source of infection,

and the report shall be inclosed in a sealed envelope and sent to the county health officer: *Provided*, That the name and address of such diseased person shall also be furnished to the health officer as hereinafter specifically required, but not otherwise.

Subdivision 14. It shall be the duty of every physician who examines or treats a person having syphilis, gonorrhea, or chancroid to instruct such person in measures for preventing the spread of such disease, and the necessity for treatment until cured, and to furnish such person a copy of the circular of information obtainable for such purpose from the State board of health.

Subdivision 15. Owing to the prevalence of such diseases among prostitutes and persons associated with them, all such persons are to be considered within the class of those reasonably suspected of being sources of infection. It shall be the duty of the county health officer to require persons infected with venereal disease to report for treatment to a reputable physician and continue treatment until such disease, in the judgment of the attending physician, is no longer communicable or a source of danger to the public health, or submit to treatment provided at public expense until discharged by the person in charge of the clinic, and also, when in his judgment such a course is necessary to protect the public health, to isolate or quarantine persons infected with venereal disease.

Subdivision 16. All persons who have been confined or imprisoned in any State, county, or city prison shall be examined and, if infected, treated for venereal disease by the health authorities of [sic] their deputies. The prison authorities of any State, county, or prison [sic] are directed to make available to the health authorities such portion of any State, county, or city prison as may be necessary for a clinic or hospital wherein all persons who may be confined or imprisoned in any such prison and who are infected with venereal disease, and all such persons who are infected with venereal disease at the time of the expiration of their terms of imprisonment, and in case no other suitable place of isolation or quarantine is available such other persons as may be isolated or quarantined under the provisions of this article may be isolated and treated at public expense until said person, in the judgment of the attending physician, is no longer a menace to the public health.

Subdivision 17. That it shall be unlawful for a druggist or any other person to sell any drug, medicine, or preparation or preparations advertised, called for, labeled, or intended to be used as a cure or treatment for a venereal disease, except on written prescription of a licensed physician. The original prescription shall be retained and filed by the druggist compounding said prescription, and it shall be unlawful for said druggist to furnish a copy or copies of said prescription.

Subdivision 18. Whenever a physician examines or treats a case of venereal disease it shall be his duty to inquire of and ascertain from the diseased person whether such person has theretofore consulted with or been treated by any other physician; and if so, to ascertain the name and address of the physician last theretofore consulted. It shall be the duty of the diseased person to furnish this information. It shall be the duty of the physician, where the diseased person has theretofore received treatment, immediately to notify by mail the physician theretofore treating such person of the change of physician, such notification to be made upon a form furnished for that purpose by the State board of health. Should the physician previously consulted fail to receive such notice within five days after the last appearance or treatment administered by him to such venereally diseased person, it shall be the duty of such physician to report to the county health officer the name and address of such venereally diseased person.

Subdivision 19. It shall be the duty of the physician treating any person infected with a venereal disease to make and keep an accurate record of each and every time such person so diseased is seen for the purpose of consultation or treatment, and each and every person so seen shall be instructed by the physician as to the day or date on which said person so diseased shall be expected to be next seen for the purpose of treatment or consultation, and if after five days from the day or date so specified the person so instructed has not returned to or been seen by the physician responsible for the treatment it shall be the duty of the said physician immediately to report to the county health officer the name and address of such venereally diseased person.

Subdivision 20. Upon receipt of a report of a case of venereal disease it shall be the duty of the county health officer to institute such measures for the protection of other persons from infection by such venereally diseased person as said health officer is empowered to use to prevent the spread of other contagious, infectious, or communicable diseases.

Subdivision 21. All information and reports concerning persons infected with venereal diseases shall be confidential and shall not be accessible to the public, except in so far as publicity may attend the performance of the duty imposed upon the county health officer in the preceding subdivisions.

Subdivision 22. It shall be the duty of the parents or custodians of a minor who has contracted a venereal disease, where such minor is living with the parents or custodian, upon being notified by the county health officer or the attending physician, to compel such minor to comply with the requirements of this section, and upon failure of such minor so to comply to report such matter or fact to the county health officer.

Subdivision 23. It shall be unlawful for any person directly or indirectly to publish, deliver, distribute, or cause to be published, delivered, or distributed in any manner whatsoever any advertisement concerning genito-urinary or venereal diseases, lost manhood, lost vitality, impotency, sexual weakness, seminal emissions stricture, drains, discharges, prostatic troubles, self-abuse, or excessive sexual indulgences, or calling attention to any medicine, article, or preparation that may be used therefor, or to any person or persons from whom, or any office or place at which, information, treatment, or advice relating to such diseases, infirmity, habit, or condition may be obtained: *Provided, however,* That this act shall not apply to the advertising of any patent medicine not used or recommended for the treatment of venereal diseases, nor shall it apply to didactic or scientific treatises which do not advertise or call attention to any person or persons from whom, or any place at which, information, treatment, or advice may be obtained, nor shall it apply to advertisements or notices issued by legally constituted health authorities in the discharge of their official duties.

Subdivision 24. No public dispensary where communicable diseases are treated or diagnosed shall be conducted or maintained otherwise than in accordance with the regulations provided by the State board of health.

Subdivision 25. It shall be unlawful for any person afflicted with a venereal disease to transmit or assume the risk of transmitting or to do any act likely to transmit such venereal disease to another person.

Subdivision 26. It shall be unlawful for any druggist or clerk or employee of any druggist, or any other person not a physician holding a certificate of qualification from the State board of medical examiners of the State of Alabama, to prescribe or recommend to any person any drug, medicine, or other substance to be used for the cure, treatment, or alleviation of gonorrhea, syphilis, or chancroid; and it shall be unlawful for any person to compound any drug or medicine for such purpose from any written formula or order except

a prescription not theretofore filled written for the person for whom the drug or medicine is compounded and signed by a physician holding a certificate of qualification from the State board of medical examiners.

Subdivision 27. Prostitution is hereby declared to be a prolific source of syphilis, gonorrhea, and chancroid, and the suppression of prostitution is declared to be a public health measure. It shall be the duty of all health officers and quarantine officers to cooperate with the proper officials whose duty it is to enforce laws directed against prostitution, and otherwise to use every proper means for the suppression of prostitution. It is further declared that prostitution is presumptive evidence of venereal disease infection, and whenever or wherever apprehended prostitutes shall be examined for said infection by the health officer or his assistant before being released from custody.

Subdivision 28. It shall be unlawful for any physician, health officer, or other person to issue a certificate of freedom from venereal disease to any prostitute, or any person suspected of being a prostitute, or any person who had been a prostitute within one year prior to the proposed time of issue of such certificate, or any person intending or likely to use such certificate to aid in procuring another person to indulge in illicit sexual intercourse with her, or to issue any certificate of health or freedom from disease to any person intending or likely so to use it.

Subdivision 29. And physician, midwife, nurse, or other person in attendance on a confinement case shall, within two hours after the birth of the child, use one of the following prophylactic solutions for the prevention of infantile blindness or ophthalmia neonatorum, 2 drops of the solution to be dropped in each eye after the eyelids have been opened: (1) A 1 per cent fresh solution of nitrate of silver, (2) a 25 per cent solution of argyrol, (3) a 5 per cent solution of protargol, or (4) such other solution as may be prescribed by the State board of health.

Subdivision 30. Any person reported as having any of the diseases mentioned in this section shall conform to or obey the instructions or directions given or communicated to him by the county board of health or State board of health to prevent the spread or communication of the diseases named. Any physician or druggist convicted in any State or Federal court of record of violating any of the provisions of this article in reference to a venereal disease shall be subject to have his license to practice medicine or pharmacy within the State revoked in accordance with existing statutory provisions.

Subdivision 31. Every manager of a barber shop now in operation shall, forthwith, register his full name and the name and location of said shop in a book to be kept in the office of the county board of health for that purpose; and every manager of a barber shop that is opened for business hereafter shall, within five days after the opening of said shop, register in like manner. In event of a change in the manager or in the location of any barber shop the manager of said shop shall call at or write the county board of health within five days after such change takes place and make a corresponding entry in the register.

Subdivision 32. The owner and manager of any barber shop, and each of them, shall equip said shop and keep said shop equipped with hot and cold water and with all such appliances, furnishings, and materials as may be necessary to enable persons employed in and about said shop to comply with the requirements of this article.

Subdivision 33. No owner and no manager of a barber shop shall permit any person suffering from a communicable skin disease or from a venereal disease to act as a barber in said shop. No person who is suffering from a communicable skin disease or from a venereal disease shall act as a barber.

Subdivision 34. Every manager of a barber shop shall keep said shop and all furniture, tools, appliances, and other equipment used therein at all times in a clean and sanitary condition; and shall cause all combs, hair brushes, hair dusters, and analogous articles to be washed thoroughly at frequent intervals and to be kept clean at all times, and shall cause all mugs, shaving brushes, razors, shears, scissors, clippers, and tweezers to be sterilized from time to time as hereinafter provided.

Subdivision 35. No barber shall use for the service of any customer a comb, hairbrush, hair duster, or any analogous article that is not thoroughly cleaned, nor any mug, shaving brush, razor, shears, scissors, clippers, or tweezers that are not thoroughly clean or that have not been sterilized since last used.

Subdivision 36. Every barber, immediately after using any mug, shaving brush, razor, scissors, shears, clippers, or tweezers for the service of any person, shall sterilize the same by immersing them in boiling water for not less than a minute, or, in case of razors, scissors, shears, and tweezers, by immersing them for not less than 10 minutes in wood alcohol or denatured ethyl alcohol of a strength not less than 65 per cent.

Subdivision 37. No barber shall use for the service of a customer any towel or wash cloth that has not been boiled and laundered since last used.

Subdivision 38. Every barber shall cleanse his hands thoroughly immediately before serving each customer.

Subdivision 39. No barber shall, to stop the flow of blood, use alum or other material unless the same be used as a powder or liquid, and applied on a clean towel or in a similar sanitary manner.

Subdivision 40. No barber shall use a powder puff, a sponge, or a finger bowl for or in the service of a customer.

Subdivision 41. No barber shall permit any person to use the headrest of any barber's chair under his control until after the headrest has been covered with a towel that has been washed since having been last used, or with clean, new paper.

Subdivision 42. No barber shall shave any person when the surface to be shaved is inflamed or broken out, or contains pus, unless such person be provided with a cup, razor, and lather brush for his individual use.

Subdivision 43. No barber shall undertake to treat any disease of the skin.

Subdivision 44. No person shall use a barber shop as a dormitory, nor shall any owner or any manager of a barber shop permit said shop to be so used.

Subdivision 45. The owner and the manager of any barber shop, and each of them, shall keep a copy of this section, to be furnished by the State board of health, posted in a conspicuous place in said shop for the information and guidance of persons working or employed therein.

Subdivision 46. The word "barber" as used in this section means any person who shaves, or trims the beard, or cuts or dresses the hair of any other person for pay, and includes "barber's apprentices" and shop boys. The word "manager" means any person having, for the time being, control of the premises and of persons working or employed therein.

Subdivision 47. It shall be unlawful to provide or use, or permit the use of, a common drinking cup or a common towel in any hotel, restaurant, railroad car, and railroad station.

Subdivision 48. It shall be the duty of any person, firm, or corporation engaged in the construction of any railroad, public highway, or any other construction work in Alabama, to drain all borrow pits, cuts, and fills likely to impound water which shall be dangerous to the public health, and any person, firm, or corporation failing to perform the duty herein imposed shall be deemed

guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$50 nor more than \$500.

Subdivision 49. It shall be unlawful to build, have, maintain, or use an insanitary privy, or one that is, or is likely to become, a menace to the public health in any populous country district, or unincorporated village, or where a school is maintained, and whenever 75 per cent of the adult residents in any of the above-named places shall petition the county board of health or the State committee of health to have sanitary privies put in the State committee of public health shall have the power, and it shall be their duty, to require any person, firm, or private corporation to install sanitary privies wherever necessary; such privies to conform in all respects to the specification for such privies made and approved by the State board of health.

SEC. 18. That section 718,^a Code of Alabama, 1907, be amended to read as follows:

718. *Nuisances menacing health and their abatement.*—Subdivision 1. The following things, conditions, and acts, among others, are hereby declared to be public nuisances per se, menacing public health and unlawful: (1) Animals (including fish, birds, fowls, and insects), other than human beings, infected with or acting as or likely to act as conveyors of disease or infection whereby they are or are likely to become menaces to public health. (2) Insanitary buildings, yards, premises, places, privies, ponds, marshes, swamps, and dumps which are or are likely to become menaces to public health. (3) Insanitary clothing, bedding, furniture, vehicles, containers, receptacles, appliances, and equipment which are or are likely to become nuisances to public health. (4) Unwholesome or decayed or infected meats, fish, fruits, or other food or foodstuffs, medicines, drugs, beverages, or drinking waters which are, or are likely to become, menaces to public health. (5) Such other acts, things, or conditions as may from time to time be by the rules and regulations of the State board of health declared to be public nuisances per se, menacing public health. (6) The ownership, possession, management, control, maintenance, permitting or use of any of the things or conditions described or referred to in this subdivision, or in any rule or regulation adopted under paragraph (5) of this subdivision. (7) The conducting of a business, trade, industry, or occupation, or the doing of a thing not inherently insanitary or a menace to public health in such a manner as to make it a menace or likely to become a menace to public health. (8) The conducting of a business, trade, industry, or occupation, or the doing of a thing lawful but inherently insanitary or a menace to public health without complying with such safeguards for the protection of health as may from time to time be prescribed by the rules and regulations of the State board of health.

Subdivision 2. Any such nuisance shall be abated by the county board of health and the county health officer in any of the ways provided in this section that may be appropriate or in any other lawful manner including abatement by bill in equity. And an effort to abate by one method shall not preclude resort to any other method or methods. And in litigation undertaken by such board for the abatement of a nuisance said litigation may be conducted in the name of said board.

Subdivision 3. When such nuisance consists of one or more of the diseased animals mentioned in this section, or of insanitary clothing or bedding, furniture, vehicles, containers, receptacles, or appliances, or of unwholesome or decayed or infected meats, fish, fruits, or other foods or foodstuffs, medicines,

^a Pub. Health Repts. Reprint 338, p. 10.

drugs, or beverages, or consists of personal property of small value, and which nuisance in the opinion of the county board of health should be abated by destroying rather than curing or cleansing or disinfecting the animal or animals or thing or material involved; or consists of equipment which by reason of its nature can not be used without being such a nuisance; or consists of a privy of an insanitary or improper type; the county board of health shall, if after a careful investigation of the facts it considers such a course necessary for the protection of the public health, adjudicate such animal or animals, or things or material involved, or such privy, as the case may be, to be such nuisance and order its summary destruction without compensation to the owner thereof, and thereupon the county health officer shall proceed with such destruction in such manner as reasonably to avoid danger of infection.

SEC. 19. That section 723,^a Code of Alabama, 1907, be, and the same is hereby, amended so as to read as follows:

723. Inspection of places where food is sold.—The State board of health shall prescribe rules and regulations for the inspection and operation of all grocery stores, vegetable stores, delicatessen stands, meat stands, restaurants, dining cars, lunch stands, eating places, hotels, rooming houses, and public dining rooms, and other like places, together with pantries, kitchens, and yards belonging thereto, and shall furnish copies of said rules and regulations to county boards of health and to county health officers, whereupon it shall be the duty of said county boards of health and county health officers, to enforce such rules, and the county health officer, or if there be none, the county board of health, is hereby given authority to close any of the places named in this section which are kept in an insanitary condition, or if the owner or manager of same violates said rules and regulations. When such place is closed to the public by the county health officer it shall not be reopened until his written permission is obtained. In the event that any establishment named in this section should be closed by order of the county health officer the owner thereof shall have the right to appeal to the county board of health. Such board shall investigate such cases and affirm or reverse the action of the county health officer. Once every month the county health officer may announce publicly all places inspected during the previous month which have been found in good sanitary condition. In any particular case under this section, the State board of health and the State health officer may, if in their discretion the special circumstances make it advisable, take out of the hands of the county board of health and the county health officer the enforcement of this section and proceed themselves to enforce it, the State board of health acting in the place of the county board of health and the State health officer in place of the county health officer.

SEC. 20. That section 733, Code of Alabama, 1907, be, and the same is hereby, amended to read as follows:

733. Appropriations.—The following appropriations are hereby made to the State board of health:

- (1) The sum of \$8,000, payable September 30, 1919, which sum of money is hereby appropriated for the purpose of repaying money already expended by the State health officer in establishing venereal clinics, and in forwarding State health work in other necessary directions: *Provided, however,* That this appropriation shall not be held to include or supersede the balance of the regular appropriation for the fiscal year ending September 30, 1919.
- (2) The sum of \$2,183.33 payable on August 1, 1919, and a like sum payable on September 1, 1919, and a like sum payable on October 1, 1919.

^a Pub. Health Repts. Reprint 338, p. 10.

(3) For the fiscal year beginning October 1, 1919, the sum of \$90,000, and for the fiscal year beginning October 1, 1920, the sum of \$125,000, and for the fiscal year beginning October 1, 1921, the sum of \$150,000, and a like sum for each fiscal year thereafter, all such sums being payable in monthly installments. All of said sums except the three sums specifically appropriated for combating venereal diseases are for the general use of said board. All said sums shall be paid to the State health officer on his requisition approved by the governor, and through warrants drawn by the auditor on the treasurer. An itemized account of all expenditures made by said board shall be rendered annually to the governor. The sums appropriated for the general use of said board shall be expended for the following purposes: (1) To supervise the execution of the health laws of the State; (2) to supervise the collection of vital, mortuary, and disease statistics of the State, and to tabulate the same for publication; (3) to furnish all such blanks, envelopes, record books, stationery, and postage as may be needed for the collection, tabulation, and filing of the vital, mortuary, and disease statistics of the State; (4) to conduct a bacteriological laboratory for furnishing the most modern scientific aids in the diagnosis and treatment of diseases; (5) to conduct a Pasteur institute for the free treatment of all residents of the State who may be bitten by rabid animals and who may apply for treatment; (6) to conduct campaigns for education as to the causation, propagation, and prevention of tuberculosis, hookworm disease, typhoid and malarial fevers, and other preventable diseases; (7) to conduct campaigns for the examination of tuberculosis, hookworm disease, typhoid and malarial fevers, and other preventable diseases, in so far as this may be accomplished; (8) to conduct campaigns for the education of the people as to sanitary methods to be employed in securing pure milk and pure drinking water; (9) to distribute bulletins, leaflets, etc., giving information in regard to preventable diseases; (10) to provide an equipment for a field hospital to be used for isolating and treating cases of infectious and pestilential diseases that may occur in, or be imported into, the State; (11) to establish one or more depots of supply of diphtheritic antitoxin in every county of the State, said antitoxin to be furnished to be furnished [sic] free of cost to all persons unable to provide themselves with the remedy, when needed; (12) to provide an equipment for disinfecting houses and other places under urgent and special conditions; (13) to execute through its board of medical examiners the law regulating the practice of medicine in the State; (14) to enable the State board of health to secure legal advice and assistance, when needed, in the execution of the health and quarantine laws of the State; and also to enable the State board of medical examiners to obtain legal advice and assistance, when needed; in executing the laws regulating the practice of medicine in the State; (15) to provide an equipment for illustrating popular lectures on the cause, modes of transmission, and prevention of diseases, said lectures to be delivered under the auspices of the State board of health; (16) to employ such clerks, agents, and other employees, and to purchase property, materials, and supplies, and to enter into such contracts as may be considered expedient by said board in discharging its duties, or assisting in the discharge of the duties of other boards or officials having duties in connection with any of the health laws of the State.

SEC. 21. That all laws and parts of laws in conflict herewith be, and the same are hereby, repealed: *Provided, however,* That nothing herein contained shall be construed to repeal any existing laws or to affect any statute unless the same has been and is specifically mentioned herein.

Influenza—Congress Requested to Make an Appropriation for Investigation of. (No. 121, Resolution Feb. 15, 1919.)

Whereas our country and the known world is being visited by an awful and death-dealing disease commonly called the "flu"; and

Whereas the medical world admits its ignorance of the causes and the cure of the "flu": Therefore be it

Resolved by the Senate of Alabama (the House concurring), That the Congress of the United States be asked to appropriate the sum of \$250,000 to investigate and if possible to perfect a specific for the elimination of "flu."

Resolved, That a copy of these resolutions be sent to our Senators and Representatives in the Congress of the United States.

Rabies—Free Treatment for Indigent Persons at Pasteur Institute—Muzzling and Confining of Dogs. (No. 728, Act Sept. 30, 1919.)

SEC. 13. That persons who have been bitten by mad dogs and who furnish satisfactory proof of same to the circuit clerk of the county in which such persons were so bitten may also, upon furnishing to said circuit clerk good and sufficient proof that such person or persons is not financially able to pay his or her expenses for treatment at the Pasteur institute of this State, at Montgomery, may have his or her expenses paid to and from Montgomery, likewise their expenses while under treatment at the said institute, payable out of the dog tax fund by the State treasurer upon the certificate of said circuit clerk upon warrant drawn by the State auditor.

SEC. 15. That each dog over 3 months old, running at large when not in company with persons hunting or in charge of the owner, or a person to whom it is intrusted, shall wear a muzzle of some approved type so as to prevent said dog from biting human beings, * * * and any dog found running at large, except fox hounds or deer hounds wearing collars upon which the names and addresses of the owners are printed or written, without a muzzle as provided for in this section, shall be killed by the constable of the beat, or the sheriff, and license inspectors, as provided by this act. Every dog over 3 months old shall be confined at night; that is, from sundown to sunup, either by being tied securely, fastened in a house or inclosed in a kennel, with the exception of such dogs accompanying their master when night hunting, and upon the return of the hunter his hunting dogs shall be confined until sunup.

SEC. 16. That if it be found that the fund arising from this act for any one year shall be insufficient to pay the expenses incident to the execution of this law and then to pay the whole amount of the expenses of poor persons who have been bitten by mad dogs in attending the Pasteur institute for treatment, * * * each sufferer shall be paid out of the said fund in proportion to the loss sustained.

State Laboratory and Pasteur Institute—Erection and Equipment. (No. 556, Act. Sept. 30, 1919.)

SECTION 1. The governor is hereby empowered and directed to purchase a suitable and desirable site in the city of Montgomery, Ala., for the purpose of erecting thereon a suitable building to be used as a State laboratory and Pasteur institute, taking title to the site acquired in the name of the State. If a desirable site may not, in the opinion of the governor, be purchased at a reasonable price, he shall direct the attorney general to institute condemnation proceedings for and on behalf of the State to condemn the site desired.

SEC. 2. When directed by the governor, the attorney general shall apply, in the name of the State of Alabama, to the probate court of Montgomery County for an order condemning to the use of the State in perpetuity such land desired. The application need not be verified by oath, but must in all other respects take the same course under the statutes that other applications for condemnation of lands for public use now take.

SEC. 3. When a site shall have been acquired by the State as provided herein, it shall be the duty of the chairman of the State board of control and economy to have prepared by some competent architect plans and specifications for a building suitable for the purposes and needs of a State laboratory and Pasteur institute, to be approved by the governor, and shall advertise once a week for three consecutive weeks in some newspaper of general circulation in Montgomery, Mobile, and Birmingham for bids to erect said building in accordance with said plans and specifications. Upon opening of said bids the governor is authorized to enter into a contract, in the name of the State, with such of the bidders as he may deem best, or he shall be empowered to reject any and all bids if he deem advisable.

SEC. 4. The State health officer is authorized and required to select and purchase such scientific apparatuses or paraphernalia as may be necessary or proper to equip said laboratory and Pasteur institute in an up-to-date and first-class manner, having regard to the purposes, uses, and size thereof.

SEC. 5. There is hereby appropriated, out of any money in the State treasury not otherwise appropriated, the sum of \$15,000, or so much thereof as may be needed, for the uses and purposes of this act, and which shall be paid out upon warrant of the auditor drawn as and when directed by the governor.

Tuberculous Prisoners and Prisoners Requiring Hospital Care—Segregation and Treatment. (No. 758, Act Sept. 30, 1919.)

SEC. 3. The board of control and economy is hereby vested with the power and authority to make such changes in the existing arrangements with reference to the segregation and treatment of tubercular patients and other patients needing long-time hospital detention and care who are serving sentences for conviction of crime, so as to permit such patients to be transferred to the custody and care of those officers or agents who have the charge and control of the detention hospital or hospitals of the State convict system; the agencies in charge of such hospital or hospitals, during the period of the treatment of such convict patients, are hereby constituted the legal custodians of such convicts. Any such hospital or hospitals or other place suitable and used under the convict system for the segregation and treatment of tubercular or long-time patients may be opened under the authority of the State board of control and economy and may be used for the segregation, treatment, and care of other inmates afflicted with tuberculosis or other diseases or ailments requiring long-time detention, treatment, and care, and who may be received from any other institutions covered by this act, or from any hospital or other duly accredited and responsible institution in the State with which the State board of control and economy shall cooperate in the matter of the treatment and care of such patients: *Provided*, That there shall be proper separation of convicts from free persons, whites from blacks, males from females, in such hospital or place of detention. The board is hereby given general authority over the reception, care, custody, and segregation of such persons, and is also vested with the power and authority to establish and promulgate rules and regulations for the proper conduct of the business and operation of such hospitals and places of detention.

State Tuberculosis Commission—Annual Appropriation for Support and Maintenance of. (No. 577, Act Sept. 30, 1919.)

SECTION 1. That the sum of \$6,000 per annum, payable quarterly, beginning January 1, 1920, be, and the same is hereby, appropriated for the support and maintenance of the Alabama Tuberculosis Commission organized and created under and by virtue of an act of the Legislature of Alabama, approved September 22, 1915, entitled "An act to prevent the spread of tuberculosis by the creation of a tuberculosis commission, to provide for its organization and work, and to authorize the erection and maintenance of local hospitals under its supervision."

SEC. 2. That the State auditor is hereby authorized and directed to draw his warrant on the State treasurer in favor of the secretary of the Alabama Tuberculosis Commission for the payment quarterly, in each year after the 1st day of January, 1920, of the sums hereby appropriated for the maintenance and support of said Alabama Tuberculosis Commission.

State Tuberculosis Hospital—Sale of Present Site—Governor Authorized to Provide Another Site. (No. 522, Act Sept. 30, 1919.)

SECTION 1. The governor is hereby authorized to provide a suitable site for the establishment of a sanatorium for the use of the Alabama Sanatorium for Consumption and Tuberculosis, conditioned upon the sale of the present site for such use in Cullman County, Ala., consisting of about 460 acres heretofore acquired under the authority of section 777 of the Political Code of Alabama and more particularly described as follows, namely: The SE. $\frac{1}{4}$ and S. $\frac{1}{4}$ of NE. $\frac{1}{4}$ sec. 34, Tp. 9, R. 3 W., and NE. $\frac{1}{4}$ and NW. $\frac{1}{4}$ of SE. $\frac{1}{4}$ of sec. 3, Tp. 10, R. 3 W., and W. $\frac{1}{2}$ of SW. $\frac{1}{4}$ of sec. 35, Tp. 9, R. 3 W., in all 460 acres, more or less: *Provided*, That such sanatorium may be located and established with the governor's approval on any lands suitable for such use now owned by the State, and if so located and established on any lands now owned by the State, the proceeds of the sale of the present site of such sanatorium shall be covered into the general funds of the treasury.

SEC. 2. The deed of conveyance to the purchaser of the lands hereinabove authorized to be sold and conveyed by the governor shall be executed by the governor in the name and on behalf of the State of Alabama, and the governor may sell said lands at either a private or public sale upon and after due notice of intention to make such sale, published once a week for three consecutive weeks in some daily newspaper of general circulation in each of the cities of Mobile, Montgomery, and Birmingham, and such sale may be for all cash or on such terms and conditions as may be determined by the governor; deferred payments to be secured by mortgage or vendor's lien at the discretion of the governor.

Marriage—Examination for Venereal Disease of Male Applicants for License to Marry—Certificate of Health Required. (No. 178, Act Feb. 19, 1919.)

SECTION 1. All male persons making application for license to marry shall, at any time within 15 days prior to such application, be examined as to the existence or nonexistence in such person of any venereal disease, and it shall be unlawful for the judge of probate of any county to issue a license to marry to any person who fails to present and file with such judge of probate a certificate setting forth that such person is free from venereal diseases so nearly as can be determined by a thorough examination and by the application of the recognized

clinical and laboratory test of scientific search, when in the discretion of the examining physician such clinical and laboratory tests are necessary. Such certificate shall be made by a licensed physician, shall be filed with the application for license to marry, and shall read as follows, to-wit: I, _____ (*name of physician*) _____, being a legally licensed physician, do certify that I have this _____ day of _____ 19____, made a thorough examination of _____ (*name of applicant*) _____, and believe him to be free from all venereal diseases. _____ (*name of physician*). That no marriage shall be entered into in any manner whatsoever without the male party shall have first submitted to said antenuptial examination and having obtained a certificate from such physician of his freedom from said diseases.

SEC. 2. Such examiners shall be physicians duly licensed to practice in this State. The health officer of any county shall, upon request, make the necessary examination and issue such certificate, if the same can be properly issued, without charge to the applicant. The charge for such an examination shall in no case exceed \$5.

SEC. 3. Any judge of probate who shall unlawfully issue a license to marry [to] any male person who fails to present and file with the probate judge a certificate required by section 1 of this act shall be guilty of a misdemeanor and shall upon conviction be fined not less than \$50 nor more than \$100, or be sentenced to hard labor for the county not exceeding six months, one or both, in the discretion of the court or judge trying the case.

SEC. 4. Any physician who shall knowingly and willfully make any false statement in the certificate provided for in section 1 of this act shall be punished by a fine of not more than \$100 or sentenced for not more than six months' hard labor for county.

United States Quarantine Station—Grant of Land Authorized for Establishment and Maintenance of. (No. 167, Act Feb. 19, 1919.)

SECTION 1. That whereas title exists in the State of Alabama to all land covered by navigable water within the State; and

Whereas the Government of the United States, in its dredging operations for the improvement of such navigable waters, has deposited upon part of said lands the spoil of dredging, thereby raising them in places above the surface of the water and made shallow adjacent thereto; and

Whereas the title so held by the State of Alabama is held in trust for the benefit of commerce and navigation; and

Whereas the United States Government is desirous of establishing a suitable maritime quarantine station upon such lands so held by this State, and the State is willing to concede a site therefor outside of the improved and navigable channels of such water:

Now, therefore, be it enacted:

That there is hereby granted to the United States Government such lands as the said Government may select and designate, as hereinafter provided, a tract of 12 acres of such land, title to which is now so held by this State, for the purpose of the establishment and maintenance of a marine quarantine station, detention hospitals and houses, and other improvements which may be suitable to such station or needful thereat.

SEC. 2. That upon the filing in the office of the secretary of state of Alabama of a statement or application by the Secretary of the Treasury of the United States, designating by meters and bounds, or in any other appropriate and specific manner, the particular portions or portion of such land, whether covered by water or now dry, or both dry and the shallows adjacent thereto, comprising

the 12 acres desired, the Governor of the State shall, and he is hereby authorized and empowered to, convey by letters patent, or other suitable methods, the title of the State to said thus designated 12 acres of land to the Government of the United States, for use as a maritime quarantine station. The title to remain in the Government of the United States so long as the same shall be so used as a quarantine station, and to revert, in case of abandonment by the United States Government as such, to the State of Alabama.

SEC. 3. That plenary jurisdiction is hereby ceded to the United States Government over such land, whether covered by water or not, as soon as the boundaries to the same shall be designated and filed in the office of the secretary of this State by the Secretary of the Treasury of the United States.

Dairy and Food Inspection—Municipalities May Contract with Each Other for. (No. 43, Act Feb. 11, 1919.)

SECTION 1. That all municipalities of this State are hereby granted full, complete, and continuing authority to inspect dairies, milk, meats, and other food products for other municipalities, and to make contracts and agreements with such other municipalities with reference to payment or compensation for such services, and the governing bodies of such municipalities may apportion the costs of such inspections or agree upon such terms as they deem proper.

Food—Definition—Adulteration. Food and Drugs—Misbranding. (No. 708, Act Sept. 29, 1919.)

SECTION 1. That sections * * * 3, 4, 5 * * * of act entitled "An act to regulate the sale of food and drugs in the State of Alabama, to provide for enforcement and inspectors and prescribe penalties for violation thereof," approved August 26, 1909, be respectively amended to read in whole or in part as hereinafter set out:

2. That the definition of food as used in section 3 be amended to read, "the term 'food' as used herein shall include all articles used for or entering into the composition of food, drink, confectionery, or condiment by man or domestic animals, whether simple, blended, mixed, or compound."

3. That division 5 of section 4, "In case of food," be amended to read:

"5. If it contains any poisonous or deleterious ingredient, or any ingredient which may render such article injurious to health: *Provided*, That when in preparation of food for shipment they are preserved by an external application applied in such a manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of such preservative shall be plainly and conspicuously printed on the label of the package, the provisions of this act shall be construed as applying only when such products are ready for consumption."

4. That the definition of the term "misbranded" as used at the beginning of section 5 be amended to read, "the term 'misbranded' as used herein shall apply to all drugs the package or label of which shall bear or contain any statement, design, or device regarding the purity or therapeutic effect of such articles or any of the ingredients or substances contained therein which shall be false or misleading in any particular, or to articles of food the package or label of which shall bear or contain any statement, design, or device regarding such articles or any of the ingredients or substances contained therein which shall be false or might prove deceptive as to the true character of the product,

or to any food and drug product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced"; and amend division 3 of section 5 "In case of foods," to read, "If in package form and the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count, together with the name and address of the manufacturer or jobber or other person responsible for placing the product upon the market: *Provided, however,* That reasonable variations as to the quantity of the contents of packages shall be permitted and tolerances and exemptions as to small packages shall be established by rules and regulations made in accordance with the provisions of section 15 of this act: *Provided further,* That this provision shall not apply to any packages on the market at the time this act goes into effect."

Hotels and Restaurants—Sanitary Requirements—Inspection—Posting of Certificates—Correction of Insanitary Conditions—Appointment, Powers, and Duties of State Hotel and Café Inspector and Assistant Inspectors—Regulations Authorized. (No. 597, Act Sept. 29, 1919.)

That chapter 230, Code of Alabama, 1907, be amended to read as follows:

7094. That every building or structure, used or maintained as, or advertised as, or held out to the public to be an inn, hotel, or public lodging house or place where sleeping accommodations are furnished for hire to transient guests whether with or without meals, shall, for the purpose of this act, be defined to be a hotel, and whenever the word hotel shall occur in this act it shall be construed to mean every such structure as is described in this section. And every building, floor, or room, or rooms, or part of the building or other structure, kept, used, maintained, held out or advertised to the public as a restaurant or eating place for pay, without sleeping accommodations, shall be deemed a restaurant or café within the meaning or purview of this act.

7094. (a) That it shall be the duty of every hotel keeper, and restaurant and café keeper, and of every managing officer, agent, or representative of such keeper, and of every party providing like accommodations for the public:

1. To keep such establishment in a clean, sanitary condition conducive to the maintenance of good health and the prevention of disease of and among its patrons and customers.
2. To have and to keep all rooms that are assigned to guests, and the furniture and furnishings therein, properly cleaned, dusted, and prepared, and free from vermin of any character, and free from dirt and filth; to provide proper protection against mosquitoes in the sleeping room or rooms; to provide proper light and ventilation in said room or rooms; to furnish and provide clean, fresh bed linen of proper dimensions, unused by any other persons or guests since last laundering of said bed linen; to furnish clean and fresh towels unused by any other person or guest since last laundering of said towels; to furnish soap which has not been used by any other person, and to remove all bed linens, towels, and soap that may have been used by any other person from any room or rooms before said room is, or said rooms are, occupied by any person.
3. To have such room or rooms, together with all bedclothes, coverings, and all furniture and furnishings thereof, properly disinfected whenever any room or rooms have been occupied by any person or persons suffering from a contagious or infectious disease or sickness; said disinfection to be made under the rules and regulations of the State hotel and café inspector and the State committee of public health, and no such room so occupied shall be assigned to guests before a proper disinfection shall have been made.
4. Where a wash room, washbasin, wash-bowl, or lavatory for public use or for the general use of guests or patrons is

maintained, if soap is furnished, to furnish the same in liquid form, and if towels are furnished, to furnish a clean fresh towel to each of the persons using such wash room, washbasin, washbowl, or lavatory, unused by any other person since it was last laundered, if said towel be of cloth; and if the towels furnished be of other material, same shall be sanitary and approved by the State hotel and café inspector and the State committee of public health, and a separate towel to be furnished each person; and at no time shall said accommodations, if for white people, be used by other than white people, or if for negroes, be used by other than negroes, and separate accommodations of this kind from those provided for white must be provided for the negro employees of the establishment. 5. To screen or have screened with wire cloth or gauze (mesh not to be larger than one-sixteenth inch) all doors, windows, and other openings in the kitchens, dining rooms, pantries, and serving rooms where meals or foods are prepared, cooked, or served; or to use or have used other device or method approved by the State hotel and café inspector, sufficient to keep out flies and mosquitoes; to keep all walls, floors, furniture, including tables, chairs, counters, etc., and all utensils used in said kitchen, pantries, serving rooms, and dining rooms at all times in a clean, presentable, and sanitary condition; to furnish at all times neat, clean, and fresh table linens to each guest or patron when being served at tables, and when napkins are furnished same shall be fresh laundered and have been unused by any other persons or guests since last laundering, if said napkins be of cloth, but if napkins as furnished be of other material, same shall be sanitary and approved by the State hotel and café inspector, and used but one time. 6. To keep all wash rooms and lavatories, toilets, toilet rooms, closets, and privies in a clean and sanitary condition and at no time to allow such closets, toilet rooms, toilet stools, toilet seats, and privies to become or remain foul or filthy, and the vaults thereof to become full or clogged with fecal matter, but said vaults and said privies, stools, and seats thereof shall be scoured as often as necessary to keep them free from filth and vermin and sanitary; and to provide separate such accommodations for negro servants or help.

7094. (b) That the State hotel and café inspector, or the assistant hotel and café inspectors when acting under his direction, shall have authority to close any hotel, café, or restaurant, if found guilty of violating any provision of this act or the rules and regulations promulgated by the State hotel and café inspector and the State committee of public health, if deemed necessary for the good of the public health.

7094. (c) That in all cities, towns, and villages where a system of waterworks and sewerage is maintained for public use every hotel within the area of the sewerage system designated by the municipal authorities therein operated shall within six months after the passage of this act be equipped with suitable water-closets for the accommodations of its guests, which water-closet or closets shall be connected by proper plumbing with such sewerage system and means of flushing said water-closet or closets with the water of such system in such manner as to prevent sewer gas or effluvia from arising therefrom. In all towns and villages not having a system of waterworks and sewerage as hereinabove provided, every hotel not provided with waterworks and wash rooms as herein provided shall have properly constructed privies as approved by the State board of health, the same to be kept in a sanitary condition at all times.

7094. (d) That each and every assistant inspector, upon inspecting any hotel, café, or restaurant, shall report the condition of same to the State hotel and café inspector, who shall, if such inspection shows a hotel, café, or restaurant to be in compliance with this act and with the rules and regulations hereinafter authorized to be made by the State hotel and café inspector and the State com-

mittee of public health, issue a certificate to that effect and deliver same to owner, manager, agent, or person in charge of such hotel, café, or restaurant, which certificate shall be kept posted up in a conspicuous place in said inspected building. It shall be the duty of the State hotel and café inspector, upon ascertaining by inspection or otherwise that any hotel is being carried on contrary to the provisions of this act, to notify the owner, manager, agent, or person in charge of such hotel, in writing, in what respect it fails to comply with this act, and requiring such persons within a reasonable time to be fixed by the said State hotel and café inspector, to do or cause to be done, the things necessary to make it comply with this act, whereupon such owner, manager, agent, or person in charge of such hotel shall forthwith comply with such requirements. Any owner, manager, or person in charge of a hotel, café, or restaurant who shall willfully fail or neglect to comply with any of the provisions of this act, after notice as aforesaid, shall be guilty of a misdemeanor, and upon conviction thereof be fined not less than \$10 nor more than \$50, and every day that such hotel, café, or restaurant is carried on in violation of this act shall constitute a separate offense.

7094. (e) That the State health officer is hereby constituted ex officio State hotel and café inspector, and the inspectors of the State board of health, or that may hereafter be of the State board of health, and the county health officers are hereby constituted ex officio assistant hotel and café inspectors, and such assistant shall be, in the inspection of hotels and cafés as provided for in this act, under the exclusive direction, supervision of the State hotel and café inspector.

7094. (f) That it shall be the duty of the State hotel and café inspector to see that all the provisions of this act are complied with, and said inspector or his assistants shall personally inspect once in each year every hotel, café, or restaurant as defined by this act, and as often as may be necessary to keep said hotels, cafés, or restaurants up to the standards required by this act. Said inspector and his assistants are hereby granted police power to enter any hotel, café, or restaurant at reasonable hours to determine whether the provisions of this act are being complied with. The inspector shall keep a set of books for public use and inspection showing the conditions of each hotel, café, or restaurant so inspected, together with the name or names of the owners, proprietors, or managers thereof, and showing their sanitary condition, the number and condition of the fire escapes, and any other information for the betterment of the public service.

7094. (g) That any owner, manager, agent, or person in charge of a hotel, café, or restaurant who shall willfully obstruct or hinder an inspector in the proper discharge of his duties under this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$10 nor more than \$50.

7094. (h) That it shall be the duty of every person conducting a hotel, café, or restaurant to see that drinking water supplied by said hotel, café, or restaurant is pure and free from disease germs. The water supply shall be subject to examination by the inspector, and when found unfit for drinking purposes its use must be distinguished [sic] forthwith. The source of supply as a probable means of contamination shall be subject to the regulations made and promulgated by the State hotel and café inspector and the State committee of public health.

7094. (i) That the State hotel and café inspector, as hereinbefore provided for, and the State committee of public health are hereby directed, authorized, and empowered to make and promulgate reasonable rules and regulations for the purpose of carrying this act into effect.

7094. (j) That this act shall operate as, or as a part of, or in conjunction with any rules and regulations affecting hotels, cafés, or restaurants provided and promulgated by the State board of health for maintaining and protecting the public health.

7094. (k) That each section of this act is hereby declared to be separate and independent of all other sections thereof, and the invalidity of any section shall not impair or destroy the other sections hereof, as they would have been passed by the legislature if such invalid sections had been stricken out at the time of the passage of this act.

* * * * *

This act shall take effect and be in full force from and after its passage, and all laws and parts of laws and parts of laws [sic] relating to hotels, cafés or restaurants, such as the act entitled "An act to enforce better sanitary conditions in inns, hotels, and restaurants, etc.," page 44 of the Acts of 1911, approved February 28, 1911, are hereby repealed.

**Schools—Sanitation. Pupils—Physical Examination—Protection of Health.
Cooperation of Education Authorities with Health Authorities. (No. 442,
Act Sept. 26, 1919.)**

ART. 3. SEC. 5. The State board of education shall adopt rules and regulations for the sanitation of schools, for the physical examination of school children, and, in conjunction with other State authorities, shall see to it that the rules relating to school health, compulsory education, and child conservation are enforced.

* * * * *

ART. 4. SEC. 6. The State superintendent of education shall prepare, or cause to be prepared, and submit for approval to the State board of education rules and regulations for the hygienic, sanitary, and protective construction of school buildings. He is empowered and directed to recommend for condemnation for school use by the State board of education all buildings used for school purposes that violate these rules and regulations.

* * * * *

SEC. 11. The State superintendent of education shall prepare, or cause to be prepared, and submit for approval and adoption by the State board of education rules and regulations for the protection of the health, physical welfare, and physical inspection of the school children of the State in cooperation with other authorized agencies.

* * * * *

SEC. 22. The State department of education is hereby organized into the following divisions, the heads of which shall be members of the force of the department of education. The State board of education may create other divisions from time to time within the limits of its appropriations for maintenance. The functions and duties of the divisions hereby created shall include the following:

* * * * *

7. *Physical education.*—This division, subject to the approval of the State superintendent of education, shall outline a course of physical training for the various schools of the State. It shall collect and disseminate useful data on the health of school children, and shall devise ways and means of coordinating the work of health education of the department of education, and of the county and city boards of education, with the work of the State board of health and with the health authorities in counties and cities.

Children—Employment in Certain Occupations Prohibited—Sanitary Requirements and Inspection of Establishments Where Employed. (No. 629, Act Sept. 30, 1919.)

SEC. 6. No child under the age of 16 years shall be employed, permitted, or suffered to work in any capacity: (1) In, about, or in connection with any processes in which dangerous or poisonous acids are used; (2) nor in the manufacture or packing of paints, colors white or read lead; (3) nor in soldering; (4) nor in occupations causing dust in injurious quantities; (5) nor in the manufacture or use of poisonous dyes; (6) nor in the manufacture or preparation of compositions with dangerous or poisonous gases; (7) nor in the manufacture or use of compositions of lye in which the quantity there is injurious to health; * * * (11) nor in, about, or in connection with any mine coke breaker, coke oven, or quarry; (12) or in assorting, manufacturing, or packing tobacco; * * * (16) nor in any place or occupation which the State board of health may declare dangerous to life or limb or injurious to the health or morals of children under 16 years of age. The State board of health shall have authority to declare any place of occupation dangerous to life or limb or injurious to health or morals of children under 16 years of age.

* * * * *

SEC. 15. Every person, firm, or corporation, owning or controlling any establishment wherein minors are employed, subject to the provisions of this act, shall keep such establishment in a sanitary condition, and properly ventilated, and shall provide suitable and convenient water-closets or privies, separate for each sex, and in such number and located in such place or places as may be required by the inspector; and when 20 or more persons are employed, sanitary drinking fountains shall be provided in such number as the inspector may deem necessary. All water-closets shall be obtained [sic] inside such establishments, except where, in the opinion of the inspector, it is impracticable. In all such establishments there shall be separate water-closets or privy compartments for females, to be used by them exclusively, and notice to that effect shall be painted on the outside of such compartments. The entrance to every water-closet or privy in such establishment shall be effectively screened by a partition [sic] or vestibule. In every such establishment a printed copy of this act shall be kept conspicuously posted in every room in which minor persons work. It shall be the duty of every inspector to inspect thoroughly every such establishment, to issue a written order for the correction of insanitary or unhealthful conditions in such establishments, and to compel compliance with such orders as herein provided.

SEC. 16. The inspector shall have free access at any time to any establishment where minors are, or may be employed or detained, and any person who refuses to allow the inspector to have free access to any such establishment and every part thereof, or who hinders or obstructs him in his inspection, or who makes any false statement to the inspector about the establishment, its operation, or condition, or about any person working or detained therein, or who refuses to comply with any order issued under authority of section 15 of this act, shall be guilty of a misdemeanor and shall be fined not less than \$50 nor more than \$100, and on subsequent conviction shall be fined not less than \$200. It shall be the duty of the inspector to remove from any establishment any child found employed, working, or detained therein contrary to the law, and to remove therefrom any child who is afflicted with any infectious, contagious, or communicable disease, or whose physical condition is such that it makes it hazardous to a child to prosecute such work.

Child Welfare Department—Establishment, Powers, and Duties—Supervision of Maternity Hospitals and Lying-in Homes. (No. 457, Act Sept. 25, 1919.)

SECTION 1. That there is hereby established for the State of Alabama a child-welfare department, to be located in the State capitol, with the several powers, functions, and duties hereinafter prescribed.

SEC. 2. That the said department shall have the power and it shall be its duty * * * (3) To exercise the right of visitation, inspection and cooperative supervision of all * * * maternity hospitals and lying-in homes: *Provided, however*, That nothing contained in this section shall be so construed as to supersede or interfere with the powers and duties of the board of control and economy heretofore created and established. * * * (5) To issue permits to * * * all maternity hospitals and lying-in homes, and to revoke any such permit for cause. * * * (7) To enforce all laws, regulating the employment of minor children, with full power of visitation and inspection of all factories, industries, and other establishments in which children may be employed, permitted, or suffered to work, the duties, power, and authority with reference to the child-labor law heretofore or hereafter imposed upon the State prison inspector being hereby transferred to and imposed upon the child-welfare department herein created. * * * (10) To cooperate with the * * * State board of health, * * * and to solicit the aid and to coordinate the activities of all private and volunteer social, labor, and welfare organizations on all subjects affecting the health * * * of minor children. * * *

SEC. 3. (1) That the child-welfare department shall be under the control of a commission consisting of the governor, the State superintendent of education, the State health officer, ex officio, and six persons to be appointed by the governor * * *.

SEC. 6. That it is hereby made the duty of all * * * maternity hospitals, lying-in homes, * * * to make such reports to the department, and at such times as may be required by its rules, including the extent and source of income, cost of maintenance, number of inmates, and upon all such other subjects as may be demanded. All reports provided for in this and the preceding section shall be upon blanks and forms provided by the child-welfare department. Any such superintendent, manager, or person in charge of such institutions failing or refusing to allow such visitation or inspection, or failing or refusing to make such reports, or furnish the information to said department as herein provided for, shall be guilty of a misdemeanor. It is hereby made the duty of State solicitors or their assistants to institute proceedings for the purpose of enforcing this law.

SEC. 7. That in order to render more effective the provisions of this act, and better to develop its objects in conserving the interests of the minor children of the State, the commission herein provided for is empowered to devise reasonable minimum standards for the conduct of * * * all maternity and lying-in homes, and to grant permits to operate to such of these as conform to the standards. All * * * maternity and lying-in homes shall be required to obtain a permit from the department before being permitted to operate, and any such institution carrying on any of the functions of such organizations or any person or persons in charge of such institutions without first obtaining such permit shall be guilty of a misdemeanor: *Provided, however*, That all such institutions now operating in the State shall be deemed prima facie as conforming in all respects to right standards and regulations, and it shall be the duty of the department to issue to every such institution a permit as herein required, but institutions shall be subject to future inspections and to conformity to the

standards, and regulations which may be prescribed by the department. Power is conferred upon the department to cancel the permit herein above provided for on the failure of any such organization to comply with the standards which may be established by said department. No permit shall be granted to any private person, organization, institution, or society, to receive, care for, or place any child or children unless such person, organization or society is chartered as provided for by the laws of the State.

Mental Defectives—Treatment and Sterilization. (No. 704, Act Sept. 29, 1919.)

SEC. 10. The superintendent of the home [for mental deficient or inferiors] with the advice and consent of the superintendent of the Alabama insane hospitals shall prescribe for the treatment of the inmates of the home, and if after consultation the superintendent of the home and superintendent of the Alabama insane hospitals deem it advisable they are hereby authorized and empowered to sterilize any inmate.

Nuisances—Municipalities May Abate or Enjoin. (No. 49, Act Feb. 11, 1919.)

SECTION 1. That all municipalities in the State of Alabama shall have full power and authority to maintain a bill in equity in the name of the city to abate or enjoin any public nuisance injurious to the health, morals, comfort, or welfare of the community or any portion thereof.

Sewers—Acquisition by Certain Cities of Interests in Land for Purpose of Making Connections With. (No. 32, Act Feb. 11, 1919)

SECTION 1. That all cities of the State of Alabama having a population of more than 100,000, according to the last or any subsequent Federal census, shall have full power and authority to condemn or acquire by purchase or otherwise a right of way, easement, or other interest in land for the purpose of connecting private property with the sanitary or storm sewerage system of any such city, and such city, in the exercise of this right, shall proceed in the manner now or hereafter provided by the general laws of Alabama in the condemnation of private property for public use, and such condemnation may be had whether the land or the interest therein sought to be condemned is already used for a public purpose or not.

SEC. 2. That the cost of the acquisition of such right of way, easement, or other interest in land, and the cost of constructing such connection may be assessed against the property benefited by such acquisition, construction, or connection, and shall be a lien thereon: *Provided, however,* The amount assessed against the said property as hereinabove authorized shall not exceed the increased value of such property by reason of the special benefits derived from such acquisition, constructed [sic], or connection with the sanitary or storm sewerage system: *Provided,* Nothing herein shall apply to proposed sewers of more than 1,000 feet in length.

Railroad or Railway Passenger Cars—Windows Required to be Screened. (No. 712, Act Sept. 30, 1919.)

1. That all companies, corporations, lessees, owners, or receivers of any railroad or railway company operating passenger cars in this State are required to screen with wire gauze all of the windows of such passenger cars in order to better conserve the health and comfort of passengers thereon, such screens to be installed under such regulations as may be adopted by the Alabama Pub-

lic Service Commission not later than four months after the adoption of such regulations. It shall be the duty of the public-service commission to adopt such regulations not later than 30 days from the passage of the act. That any company, corporation, lessee, owner, or receiver of any railroad or railway company operating passenger cars in this State violating the provisions of this act shall be guilty of a misdemeanor, and on conviction shall be fined not more than \$500.

Issuance and Sale of Bonds by Municipal Corporations for Certain Public Health Purposes. (No. 473, Act Sept. 25, 1919.)

SECTION 1. That section 2 of an act entitled "An act to authorize the holding of elections by municipal corporations in the State of Alabama for the purpose of obtaining authority to issue bonds for public purposes herein defined, and to provide for holding such elections, and declaring the result thereof, and to authorize the issue of such bonds when a majority of the voters participating in such election vote in favor of the issue of such bonds, and to regulate the issue, execution, sale, and security of such bonds," approved August 26, 1909, and as amended by an act approved February 20, 1915, be, and the same is hereby, amended so as to read as follows:

SEC. 2. That all municipal corporations shall have full and continuing power and authority to issue and sell bonds when such issue is authorized by the election herein provided for, for the following-named purposes, to wit: * * *

(3) For the erection of crematories or garbage disposal plants or for the purpose of providing other means for the disposal of garbage and refuse matter. * * * (6) For the erecting of infirmaries, hospitals, pesthouses, or for rebuilding, extending, enlarging, or repairing the same. * * * (10) For erecting or purchasing waterworks to supply water to the municipal corporation, or to inhabitants thereof, and for the purpose of repairing, extending, and enlarging such waterworks system. * * * (12) For the purchasing or providing grounds for cemeteries or for inclosing, improving, or embellishing the same; for building crematories and public burial vaults. (13) For the construction of sanitary and storm-water sewers or drains, sewage-disposal plants, filtration beds, and for the purpose of acquiring land or rights of way for such purposes. * * * (15) For the establishment of public baths. * * * (17) For the payment of obligations arising from emergencies resulting from epidemics. * * * (23) For constructing, establishing, or acquiring abattoirs and the necessary land upon which to operate same.

Dead Animals—Bodies to be Burned or Buried. (No. 461, Act Sept. 25, 1919.)

That an act entitled "An act to require the bodies of all dead animals to be burned or buried, and to provide a penalty for the failure to do so," approved September 22, 1915, be amended to read as follows:

SECTION 1. That it shall be the duty of all owners or custodians of animals which die or are killed in their possession or custody, other than such as are slaughtered for food, within 24 hours to cause the bodies of such animals to be burned or buried at least 2 feet below the surface of the ground: *Provided*, That hogs dying with cholera, "or any other disease whatsoever," shall be burned. No such animal shall be sufficiently near a residence or residences as to create a nuisance.

SEC. 2. Any person violating this act, whether by failure to burn or bury an animal dying or being killed in his possession or by causing the same to be burned in such proximity to a dwelling, or in such other way as to become a nuisance, shall be guilty of a misdemeanor and on conviction be fined not less than \$10 nor more than \$50.

ALASKA.

Commissioner of Health, Assistant Commissioners of Health, and Local Boards of Health—Appointment and Powers. Communicable Diseases—Notification of Cases—Isolation—Quarantine—Placarding—Disinfection—Attendance at Schools and Other Places—Venereal Diseases. (Ch. 35, Act May 1, 1919.)

SECTION 1. There is hereby created the office of Commissioner of Health of the Territory of Alaska. He shall be appointed by the governor of Alaska and hold office for the term of two years, and until his successor is appointed, unless sooner removed for good cause shown; when possible the governor shall appoint as commissioner of health an officer of the United States Public Health Service, who shall receive in addition to the salary provided by the United States his necessary office and contingent expenses and a per diem allowance for subsistence of \$4. When an officer of the United States Public Health Service can not be procured the governor may appoint any qualified person, who shall receive an annual salary of \$1,800, payable monthly from the Territorial treasury out of moneys not otherwise appropriated. Such commissioner of health must be a physician in good standing and licensed to practice medicine in the Territory of Alaska and must also be a competent sanitarian.

SEC. 2. The Governor of Alaska shall also designate or appoint one physician and sanitarian in good standing and licensed to practice medicine in the Territory of Alaska in each judicial division, where the commissioner does not reside, as an assistant commissioner of health. They shall hold office for the term of two years, and until their successors are appointed, unless sooner removed by the Governor of Alaska, and shall receive an annual salary of \$400, payable monthly from the Territorial treasury out of moneys not otherwise appropriated.

SEC. 3. The commissioner of health shall have general supervision of the interests of the health and life of the citizens of the Territory. He shall have power—

1. To make and enforce such quarantine regulations as seem best for the preservation of the public health and for the prevention and against the spread of contagious and infectious diseases;

2. To establish quarantine and isolate any person affected with any one of the diseases mentioned in section 7 of this act;

3. To remove, or cause to be removed, any dead, decaying, or putrid body, rubbish, garbage, or other substance that may endanger the health of persons or communities;

4. To disinfect houses, rooms, property, places or localities, persons, and other things, whenever in his judgment such action shall be deemed necessary to protect or preserve the public health; and he may destroy, or cause to be destroyed, bedding, carpets, household goods, furnishings, and other material or buildings when in his judgment such are an imminent danger to the public health;

5. To make and enforce such special quarantine regulations as to him seem best for the prevention and against the spread of any contagious or infectious disease or epidemic, and for this purpose may establish quarantine either of persons, buildings, dwellings, or communities, may designate the period of quarantine or isolation of any person believed to have contracted or to have been exposed to such contagious or infectious disease or epidemic, and may subject all persons about to leave or enter any town or community to such period of quarantine or isolation as may be established by his order;

6. He shall, when necessary, consult, advise, and cooperate with officers of the Federal Government on matters pertaining to sanitation and hygiene;

7. To make and enforce practical and necessary regulations compelling those who employ labor in preparing sea foods or sea products or other foods for the market or for human consumption to keep their establishments clean, sanitary and healthful; and may compel the installation of baths, dry rooms, and other necessary hygienic accommodations for men and women.

8. He shall prepare forms of returns and such instructions as may be necessary and shall supply the same to assistant commissioners of health, boards of health, physicians, and such officials as may be necessary, in order to obtain accurate statistics of the occurrence of contagious and infectious diseases in the Territory; such information shall be compiled, tabulated, and published every quarter.

SEC. 4. Assistant commissioners of health shall have power and authority within their respective divisions, subject to the supervising control of the commissioner of health, to do and perform all the things mentioned in section 3 of this act. They shall have supervision over the local boards of health in their respective divisions and shall forward to the commissioner of health monthly reports of the contagious and infectious diseases occurring in their respective divisions as reported to them by physicians and others in accordance with section 13 of this act.

SEC. 5. Every school district outside of incorporated towns in the Territory shall for the purpose of this act become a health district, and in every such health district there shall be a board of health composed of the president of the school board and two citizens of said district to be selected by the school board: *Provided*, That at least one member of the health board to be thus selected shall, wherever practicable, be a licensed physician: *Provided*, That this section shall apply and be in effect in each incorporated town in the Territory, unless such town shall otherwise provide for the establishment and maintenance of a local board of health or a proper health officer. 2. In any native village, or community composed largely of natives, where the formation of a board of health as above defined is impracticable, any representative of the United States Bureau of Education shall have the authority and power granted to the local boards of health.

SEC. 6. The local boards of health outside of incorporated towns, and any representative of the United States Bureau of Education acting in the capacity of health officer, as provided in section 5 of this act, shall be subordinate to and under the supervision of the commissioner of health or of the assistant commissioner of health of their respective divisions and shall on the direction of the commissioner or assistant commissioner and within their respective health districts, have all the powers mentioned in section 3 of this act.

SEC. 7. For the purpose of this act, persons or articles that have been infected or exposed to the contagion or infection of plague, cholera, smallpox, yellow fever, typhus fever, leprosy, typhoid fever, scarlet fever, measles, diphtheria, infantile paralysis, cerebrospinal meningitis, erysipelas, whooping cough, glanders, mumps, epidemic influenza or other epidemic, shall be considered as

capable of conveying contagious or infectious disease, and shall be subject to this act as hereinafter provided. All cases of pulmonary tuberculosis, trachoma, gonorrhea, syphilis, or chancre, where the unusual precautions to prevent the spread of the disease to others are neglected and where other persons are liable to become infected on account of this negligence shall also be considered as capable of conveying contagious or infectious disease.

SEC. 8. Whenever any physician or nurse is called to treat any person suffering with any of the diseases mentioned in section 7 of this act, he or she shall isolate the case and immediately notify the local board of health.

SEC. 9. Whenever any person knows or has reason to believe that any member of his family or household (boarder, roomer, or visitor) has any disease mentioned in section 7 of this act, he shall within 24 hours, if no physician is available, give notice thereof to the local board of health in the health district in which he resides. Such notice shall be given either verbally to one of the members of said board, or by a communication addressed to the board of health and duly mailed within the time specified.

SEC. 10. The board of health, upon receipt of the report of the existence of any of the diseases mentioned in section 7 of this act shall immediately investigate the case, and if such disease exists, shall isolate the patient, and, if necessary, shall quarantine the house, room, premises, or community and take any other precautions needed to prevent the spread of the disease.

SEC. 11. Whenever a house, apartment, room, premises, or community are placed under quarantine, a placard or placards shall be posted in a conspicuous place, or places, giving the name of the diseases, and also containing the following quarantine order: "All persons are strictly forbidden to enter or leave these premises or to remove this notice without permission or orders from the board of health."

SEC. 12. Upon the death, recovery or removal of the person sick with any disease mentioned in section 7 of this act, the room in which said person was confined and such rooms as, in the opinion of the board of health, have been contaminated, shall be cleansed and disinfected under the supervision of the board of health, the placards removed, and the quarantine released. The isolation, disinfection, and other preventive measures shall be performed as nearly as practicable according to methods indorsed and practiced by the United States Public Health Service, as described in Public Health Bulletin No. 42, entitled, "Disinfectants, their Use and Application in the Prevention of Communicable Diseases."

SEC. 13. Every physician in the Territory of Alaska who shall prescribe for, or attend any person having smallpox, plague, yellow fever, cholera, typhus fever, leprosy, typhoid fever, scarlet fever, measles, chicken pox, diphtheria, infantile paralysis, cerebrospinal meningitis, erysipelas, whooping cough, glanders, mumps, tuberculosis in any form, trachoma, epidemic influenza, other epidemics, gonorrhea, syphilis, or chancre, shall, within 24 hours after first discovering the existence of such disease, make a report thereon in writing to the commissioner of health or to the assistant commissioner of health of the division in which the case appears, upon a blank form to be furnished by the commissioner of health in accordance with subdivision 8 of section 3 of this act; which report shall give the name, age, nativity, residence, date of attack, color, and sex of the person having such diseases, together with the character of the disease: *Provided*, That cases of gonorrhea, syphilis, and chancre shall be reported by name, initials, or office number of the person infected on special forms. If a person infected with gonorrhea, syphilis, or chancre discontinues treatment before he is pronounced cured, the physician must report his name

and address to the commissioner of health or to the assistant commissioner of health.

SEC. 14. No child or person infected with any of the diseases mentioned in section 7, or any person residing in the same house in which any person may be located who is infected with any of the aforesaid diseases, unless permitted by the health officer, shall be permitted to attend any public, private, parochial, Sunday or other school, church, factory where food is prepared, or any other place of assembly in the Territory; and health officers and persons in charge of such schools, etc., are hereby required to exclude any and all such children and persons from such places; such exclusion shall continue until complete recovery of the person afflicted or until the health officer decides that the danger of infecting others no longer exists.

SEC. 15. Any person who interferes with a health officer in the performance of his duties, or any person who breaks quarantine or removes any placard without permission of the board of health, and any person who knowingly violates any of the provisions of this act or any regulations or orders established or made by authority of this act shall, upon conviction thereof, be punished for each offense by a fine of not more than \$100, or by imprisonment not more than 50 days, or by both such fine and imprisonment, and it is hereby made the duty of all United States marshals and their deputies and ex officio constables to assist in the enforcement of this act.

SEC. 16. The salaries of the commissioner of public health and of assistant commissioner of public health at the time and in the amount hereinbefore set forth, together with office rent, furniture, traveling expenses, clerical assistance and contingent expenses of the commissioner of public health and all necessary expenses incurred by any health officer or local board of health in the enforcement of this act shall be paid by the Territorial treasurer, as other salaries and expenses in the Territory are paid, but all necessary expenses incurred in the enforcement of the provisions of this act by any health officer or local board of health, shall be approved by a board, composed of the governor and the commissioner of health, under rules and regulations to be promulgated by such board.

SEC. 17. That chapter 42,¹ Session Laws of Alaska, 1913, entitled: "An act to provide for the registration and restriction of communicable diseases in the Territory of Alaska, and declaring an emergency," approved April 28, 1913, and chapter 53, Session Laws of Alaska, 1917, entitled "An act to create and fix salaries for assistant commissioners of health in each judicial division of the Territory of Alaska," approved May 3, 1917, are hereby repealed.

Influenza and Similar Diseases—Regulations to Prevent Spread of, Authorized—Powers and Duties of Health Authorities. (Ch. 3, Act Mar. 26, 1919.)

SECTION. 1. That the Governor of Alaska, as ex officio Commissioner of Health of the Territory of Alaska, shall have the power, and it shall be his duty, to make and enforce such quarantine regulations as seem best for the prevention and against the spread of the epidemic commonly called the "Spanish influenza" or "flu," or any other epidemic or disease of a like nature, and for this purpose may establish quarantine either of persons or communities, may designate the period of quarantine or isolation of any person believed to have contracted or been exposed to such epidemic, and may subject all such persons about to leave or enter any town or community to such period of quarantine or isolation as may be established by his order.

¹ Pub. Health Repts. Reprint 264, pp. 15-17.

SEC. 2. That all of the powers and duties conferred upon the Governor of Alaska by chapter 42,¹ Session Laws of Alaska, 1913, entitled, "An act to provide for the registration and restriction of communicable diseases in the Territory of Alaska, and declaring an emergency," are hereby specially conferred upon him with relation to the suppression of the epidemics and diseases mentioned in section 1 of this act.

SEC. 3. That the assistant commissioners of health created by chapter 42, Session Laws of Alaska, 1913, shall have full power, within their respective divisions, subject to the supervising control of the Governor of Alaska, to exercise all the powers by this act conferred upon the Governor of Alaska as ex officio commissioner of health.

SEC. 4. That the local boards of health created by chapter 42, Session Laws of Alaska, 1913, shall, subject to the supervising control of the Governor of Alaska and the assistant commissioners of health, exercise within their respective health districts all the powers by this act conferred upon the Governor of Alaska as ex officio commissioner of health.

SEC. 5. That there is hereby appropriated from the moneys in the Territorial treasury not otherwise appropriated the sum of \$1,000 to be expended under the direction of the Governor of Alaska in aid of the enforcement of the provisions of this act.

SEC. 6. That the rules and regulations made under authority of this act by the Governor of Alaska, the assistant commissioners of health and the local boards of health shall have the force and effect of law, and any person who knowingly violates any of the provisions of this act or interferes with any health officer or other officer in the performance of the duties placed upon him by this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished for each offense by a fine of not less than \$100 or more than \$1,000 or imprisonment of not less than 90 days or more than six months, or by both fine and imprisonment, and it is hereby made the duty of all United States marshals and their deputies and all peace officers to assist in the enforcement of this act.

SEC. 7. That this act shall continue in effect for the period of 60 days from and after its passage and until repealed or superseded by an act of the legislature of the Territory of Alaska.

Communicable Disease Epidemics—Elections in Incorporated Towns May be Postponed on Account of. (Ch. 4, Act Mar. 27, 1919.)

SECTION 1. That whenever, in the opinion of the local board of health of any incorporated town in the Territory of Alaska, the prevalence of any epidemic or contagious or infectious disease in the town requires, the common council of such incorporated town shall have power, upon the recommendation of the local board of health, to postpone the date of the annual city election, by ordinance or resolution, for a period not to exceed 60 days. Such ordinance or resolution shall be passed by the common council of such incorporated town at any regular or special meeting of the council held at any time within 15 days prior to the date of the regular election, and notice of such ordinance or resolution shall be given publicity by such publishing and posting as the council may provide.

¹ Pub. Health Repts. Reprint 264, pp. 15-17.

Animals—Importation and Transportation—Inspection—Quarantine—Destruction. (Ch. 55, Act May 5, 1919.)

SECTION 1. To import or to bring, into the Territory of Alaska, animals of whatsoever kind or character, diseased or infected with the diseases mentioned in section 3 of this act, is hereby declared to be injurious to the public health, against public policy, illegal, and punishable as herein provided.

SEC. 2. To own, have in one's possession, sell, transfer, transport, drive or convey, from one section of the Territory to another, animals or live stock of whatsoever kind or character, diseased or infected with the diseases mentioned in section 3 of this act, is hereby declared to be injurious to the public health, against public policy, illegal, and punishable as herein provided.

SEC. 3. It shall be unlawful to bring, into the Territory of Alaska, any horses, cattle, or swine, for work, feeding, breeding, or dairy purposes, without first having such animals examined and found free from the following contagious diseases: Glanders, farcy, tuberculosis, actinomycosis, rinderpest, foot and mouth disease, contagious abortion, contagious keratitis, scabies, maladie du coit, swine plague and hog cholera, and without having obtained a permit from the commissioner of agriculture, the assistant commissioner of agriculture assigned to the division of dairy and live stock of the State, Territory, or foreign country from which said live stock is shipped, or a permit from an inspector of the Department of Agriculture of the United States assigned to the division of dairy and live stock in the State, Territory, or foreign country from which such live stock is shipped; and no steamship or transportation company, or other common carrier, shall bring any such animals into the Territory of Alaska without first having had the same examined and found free from said diseases and having obtained the permit herein provided for.

SEC. 4. For each evasion or violation of any provision of the three sections last preceding, the shipper or party responsible for the evasion or violation shall be fined not more than \$500, the consignee knowingly receiving such diseased animal so shipped and transported in violation of said sections shall be fined not more than \$500, and the carrier knowingly carrying or transporting the same in violation of said sections shall be fined not more than \$500. Actions to enforce the provisions of this act shall be brought and prosecuted under "Title XV, Code of Criminal Procedure," Compiled Laws of Alaska, 1913, by the United States district attorneys for the Territory of Alaska.

SEC. 5. Horses, cattle, or swine for work, feeding, breeding, or dairy purposes in the Territory of Alaska shall be subject to inspection and test for all diseases, and to quarantine and destruction where found to be infected with or suffering from any contagious disease by an inspector of the Bureau of Animal Industry, United States Department of Agriculture, duly assigned by the Chief of the Bureau of Animal Industry to make inspection and test of animals suspected of being diseased in the Territory of Alaska.

SEC. 6. After inspection and test, the inspector described in section 5 of this act shall determine whether the animal inspected is subject to quarantine or to destruction; if to quarantine, he shall prescribe the conditions and the length of time the animal shall be subject to quarantine. Where the inspector determines that the animal should be destroyed, he is hereby authorized to condemn and cause said animal to be destroyed in such manner as he may determine, but the owner of such animal shall receive the proceeds of the sale of such slaughtered animal, if any.

SEC. 7. There is hereby appropriated, out of any money now in the treasury of the Territory, and not otherwise appropriated, the sum of \$2,000 to defray any expenses incurred in the enforcement of this act, and the governor of the

Territory is hereby empowered, authorized, and directed to carry out and to enforce the provisions of this act: *Provided, however,* That after the expenditure of the said \$2,000 no further expense in connection with the enforcement of this act shall be incurred or accrue against the Territory.

Factories, Canneries, Etc.—Refuse Disposal—Construction of Floors—Drinking Water—Wash Rooms—Toilets—Heating—Powers and Duties of Labor Commissioner. (Ch. 59, Act May 5, 1919.)

SEC. 3. The duties of the labor commissioner of the Territory of Alaska shall be:

(a) To assort, systematize, and present in biennial report to the Governor of Alaska statistical details relating to all departments of labor in the Territory, especially in its relation to the industrial, social, and sanitary conditions of the laboring classes, and to the permanent prosperity of the industries of the Territory.

(b) He shall have the power to enforce all sanitary and safety regulations as are hereinafter set forth.

(c) He may inspect any factory, cannery, or other establishment where labor is employed, and is hereby empowered and authorized so to do.

SEC. 4. In every factory, cannery, or other establishment where labor is employed, all refuse, waste, and sweepings shall be removed or disposed of at least once a day and in such a manner as not to become a nuisance. In every factory, cannery, or other establishment in which any process is carried on which makes the floors wet, the floors shall be constructed and maintained with due regard to the health of employees, and grating or dry standing rooms shall be provided, if practicable, at points where employees are regularly stationed, and adequate means shall be provided for drainage and for preventing seepage or leakage to the floors below.

SEC. 5. In every factory, cannery, or other establishment where labor is employed there shall be provided a sufficient supply of clean and pure drinking water; if such drinking water is placed in receptacles, such receptacles shall be properly covered to prevent contamination, and shall be thoroughly cleaned at frequent intervals. There shall be provided and maintained suitable and convenient wash rooms, separate for each sex, adequately equipped with washing facilities, consisting of sinks or stationary basins provided with running water, or with tanks holding an adequate supply of clean water. And there shall be provided in every factory, cannery, or other establishment employing 10 or more persons shower baths with a sufficient supply of hot and cold water. All wash rooms, washing facilities, and sleeping quarters (when furnished by employer) shall be constructed, lighted, heated, ventilated, arranged, and maintained according to rules and regulations drawn up by the labor commissioner.

SEC. 6. Every factory, cannery, or other establishment where labor is employed shall be provided with a sufficient number of water-closets, earth closets, or privies, within reasonable access of the persons employed therein, and such water-closets, earth closets, or privies shall be supplied in the proportion of at least 1 to every 25 female persons and 1 to every 30 male persons; and whenever both male and female persons are employed said water-closets and privies shall be provided separate and apart for the use of each sex, and plainly marked by which sex they are to be used; and no person or persons shall be allowed to use the closets or privies assigned to the opposite sex; and such closets or privies shall be constructed in an approved manner and properly inclosed, and at all times kept in a clean and sanitary condition.

SEC. 7. In every factory, cannery, or other establishment, when labor is employed, adequate measures shall be taken for securing and maintaining a reasonable, and as far as possible, equable temperature, consistent with the reasonable requirements of the manufacturing process.

SEC. 8. It shall be the duty of every employer of labor, his superintendent, manager, or agent, in this Territory to afford to the labor commissioner every facility for the inspection of his factory, cannery, or other establishment where labor is employed, and for procuring statistics of the wages and conditions of his employees.

SEC. 9. Any person, firm, or corporation, or any agent, manager, or superintendent of any person, firm, or corporation who shall, for himself or such person, firm, or corporation, violate any of the provisions of this act, or omits or fails to comply with any of the requirements of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished, for the first offense, by a fine of not less than \$25, nor more than \$50, or by 10 days' imprisonment in the Federal jail, or by both such fine and imprisonment; and upon conviction of a second or subsequent offense he shall be fined not less than \$100, nor more than \$200, or by imprisonment for one month in the Federal jail, or by both such fine and imprisonment.

SEC. 10. An emergency is declared to exist, and this act shall go in effect and be in full force on and after June 1, 1919.

ARIZONA.

Influenza and Pneumonia Epidemics—Payment of Expenses of, by Counties. (Ch. 19, Act Feb. 24, 1919.)

SECTION 1. The supervisors of the several counties are hereby authorized to levy and collect a sufficient tax in excess of the limitations imposed by paragraph 4839 of the Revised Statute of Arizona, 1913, Civil Code, to defray the expenses incurred by the authority of the board of supervisors or the duly appointed and acting health officers of the several counties, on account of the influenza and pneumonia epidemics occurring during the years 1918 and 1919.

SEC. 2. The board of supervisors shall audit all legitimate claims against such special fund for expenses incurred through such epidemic and the clerk of the board of supervisors shall draw his warrant upon the county treasurer, payable out of the special fund created by this act, in payment of the claims audited, as aforesaid, by the board of supervisors.

County Tuberculosis Hospitals—Establishment—Treatment of patients. (Ch. 109, Act Mar 19, 1919.)

SECTION 1. The board of supervisors of the several counties of the State of Arizona are hereby authorized and may provide a separate building or buildings, or a separate part or parts of a building or buildings adequate to the needs of their respective counties, for the exclusive use, care, and treatment of tuberculosis persons of the county, to be known as the county tuberculosis sanitarium, and to properly and adequately equip, maintain, and conduct the same: *Provided*, That in case there may be in said county any nonsectarian hospital for the treatment of tuberculosis that the board of supervisors may select said hospital for the care and treatment of any tubercular person of the county.

SEC 2. Any tuberculous person of the county, in need of hospital care, medical or surgical attention, whether indigent or able to pay in whole or in part for the same, may be admitted for such treatment, care and attention to the county tuberculosis sanitarium, or other tuberculosis hospitals as herein mentioned, under such rules and regulations as may be prescribed by the board of supervisors. Any person not an indigent who receives care, medical or surgical attention under the provisions of this act, shall be required to make remuneration therefor in so far as he may be able. The reasonable cost of such service shall, until paid, be a debt due and owing to the county, to be collected in the same manner as other indebtedness due the county would be collected.

Milk and Milk Products—Production, Care, and Sale. (Ch. 123, Act Mar. 20, 1919.)

[The 1918 law relating to the State dairy commissioner has been amended in certain sections as follows:]

SEC. 3. Any person, firm, or corporation who shall engage in the production of milk or cream for sale, either in its natural state or as a manufactured product,

shall keep barns and corrals in which cows are milked in such a sanitary condition that clean sweet milk free from visible dirt, foreign odors and flavors may be produced, and before each milking shall clean the cow's udder to remove dirt and loose hair which otherwise might drop into the milking pail, and each pail of milk shall be strained immediately after it is drawn through a fine mesh wire double strainer, and each can of not more than 10-gallon capacity shall be removed from the barn or corral, as soon as filled, to a milk house or some other suitable place not nearer than 50 feet to the barns or corrals, and not nearer than 100 feet to any hog pen, wallow or other unsanitary surroundings, and milk must be cooled, between the 1st day of April and the 15th day of October, so as to remove the animal heat, and kept cool while in possession of the producer, so that it will reach the factory or other selling point in a sweet and sanitary condition, and all milking utensils, cream separators and aerators used in handling milk or cream must be thoroughly washed after each milking and scalded or steamed and rinsed with a standard sterilizing solution once each day; and everything about the premises where milk or cream is stored shall be kept in a clean and sanitary condition, and all cans or vessels in which milk or cream is stored shall be kept in a clean and sanitary condition, and all cans or vessels in which milk or cream is shipped shall be cleaned and sterilized before being filled.

SEC. 4. It shall be unlawful for any person, firm or corporation producing milk to sell or offer for sale any milk or products derived therefrom that is produced by unhealthy cows or in unsanitary surroundings or that is drawn from cows within 15 days before or 5 days after calving or that is handled, stored, or shipped in dirty, rusty or unsanitary cans, and the use of any and all preservatives in milk or cream except small samples for testing shall be unlawful, and complaints made to the State dairy commissioner regarding the production, manufacture, storing and handling of dairy products must be made in writing and signed with the address of the person making such complaint, and milk to be separated must be separated immediately after each milking and the cream of each separation cooled before mixing with cream from another separation, and the cream must be kept in a wholesome condition in sanitary surroundings until transported to creameries or manufacturing plant.

SEC. 7. If, upon investigation as provided for in the last preceding section, the commissioner shall find that any person, firm or corporation, has adopted or is employing any practice, process or method in the production or handling of milk or milk products, which render or tend to render such milk or milk products impure, unsanitary unwholesome or unfit for human consumption, he shall serve upon such person, firm or corporation, a written order directing the abandonment of such practice, process or method, and to adopt and use such practice, process or method as shall insure the purity and wholesomeness, and the fitness for human consumption. Any failure to comply with the provisions of this section shall be deemed a misdemeanor.

SEC. 12. * * * Milk for butter making or cheese making, or for condensed milk, may contain less than 3 per cent of butter fat, but must be delivered pure, sweet and clean. Whole milk for consumption as a beverage shall contain not less than $3\frac{1}{2}$ per cent butter fat. Cream is that portion of milk rich in butter fat which rises to the surface of the milk on standing or is separated from it by centrifugal force, and contains not less than 18 per cent butter fat; cream to be used in the manufacture of butter that is not delivered to point of shipment within 24 hours after milking must contain not less than 30 per cent butter fat and shall be delivered in wholesome condition. No part of any shipment of milk or cream to be used in the manufacture of food products shall be more than two days old when delivered at the point of ship-

ment during the months of May to October, inclusive, and three days old during November to April, inclusive. Such milk or cream must not be delivered at the point of shipment more than one hour before the schedule time of train or other vehicle on which it is to be shipped, unless kept in a protected, cool and sanitary place, free from foul odors. Butter is the product made by gathering, in any manner, the fat of fresh or ripened milk or cream into a mass which also contains not less than 80 per cent of butter fat and less than 16 per cent of water, or such standards as shall be established by the Department of Agriculture of the United States, and shall contain 16 ounces in every pound package: *Provided*, That the amount of butter fat or water in the product of any manufacturer, or in any given quantity of butter, shall be determined as hereinafter provided with reference to renovated or process butter; butter may also contain a harmless vegetable coloring matter.

Renovated or process butter is the product made by melting butter and reworking without the addition or use of chemicals or any substance except cream, milk, or salt and contains not less than 80 per cent of butter fat and less than 16 per cent of water, or such test as shall be established by the Department of Agriculture of the United States; before being offered for sale shall be stamped "Renovated butter": *Provided*, That the amount of butter fat or water in the product of any manufacturer, or in any given quantity of butter, renovated or process butter, shall be ascertained in the following manner, to wit: Five samples shall be taken from five different packages of any one manufacturer, or from any one tub or churning of butter, and a careful analysis made by the official method adopted by the Association of Agricultural Chemists. If this analysis shall show less than 80 per cent of butter fat or 16 per cent or more of water, butter or process butter thus analyzed shall be deemed adulterated butter and shall be condemned for food purposes by the commissioner. Renovated or process butter may also contain a harmless vegetable coloring matter. Cheese is the solid and ripened product made by coagulating the casein of milk by means of rennet or acid, with or without the addition of ripening ferment or seasoning. Cheese may also contain harmless vegetable coloring matter. Whole milk or full cream cheese is cheese made from milk from which no portion of the fat has been removed and contains not less than 50 per cent of butter fat in proportion to total solids. Skim-milk cheese is cheese made from milk from which any portion of the fat has been removed and must be stamped on cloth and containing box. Ice cream is a frozen product made from pure sweet cream, milk, condensed milk, sugar or harmless sugar substitutes, with or without a harmless flavoring or coloring, and contains not less than 10 per cent of milk fat and not less than 30 per cent total solids. Fruit ice cream is the frozen product made from pure sweet cream, milk, condensed milk, sugar or harmless sugar substitutes, and sound, clean, mature fruits and contains not less than 8 per cent of milk fat and not less than 30 per cent of total solids. Nut ice cream is the frozen product made from pure sweet cream, milk, condensed milk, sugar or harmless sugar substitutes, and sound nonrancid nuts and contains not less than 8 per cent of milk fat and not less than 30 per cent of total solids.

SEC. 13 * * * The commissioner shall grant a license to any applicant therefor to manufacture or otherwise prepare milk products at a creamery, evaporated or condensed milk factory, cheese factory, or butter factory, or any continuation thereof, within this State upon the conditions:

(c) That the applicant has not so repeatedly violated the rules and regulations prescribed by the commissioner as to make it appear that he is unfit to be allowed to carry on said business. The application for license shall be in

writing in form to be prescribed by the commissioner. It shall state the name, residency, and post-office address of the applicant. If the applicant be a firm, it shall state the names, residence, and post-office address of each of the incorporators. If the applicant is a corporation, it shall state the full corporate name, the amount of its authorized capital stock, the name of the State under the laws of which it was organized. If it is a foreign corporation, the fact that it has complied with the laws of this State relating to foreign corporations, the exact location of the factory, with a general description of it, and the character of business proposed to be carried on therein. The license shall contain a statement of all the facts recited in the application and shall be for a term expiring on the 1st day of January next following after the date of the license and shall otherwise be in form prescribed by the commissioner. Before receiving such license the applicant shall pay to the commissioner a license fee of \$25 if engaged in wholesale manufacture of butter, cheese, and condensed milk. A license fee of \$15 if engaged only in wholesale or wholesale and retail manufacture of ice cream. A license fee of \$10 if engaged in manufacture of ice cream for retail purposes only: *Provided*, No fee shall be required of any person who manufactures or sells only products from his own dairy. The commissioner may revoke any license issued under this section if the licensee shall repeatedly and persistently violate any of the provisions of this act or the rules and regulations applicable to such license [sic] or his business made and promulgated by the commissioner under the provisions of this act.

[Section 18 has been repealed.]

SEC. 20. Any person, firm, or corporation, or any agent of any firm or corporation, violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof may be punished by a fine in any sum not exceeding \$200.

Rubbish, Refuse, etc.—Depositing within 1 Mile of Limits of Incorporated Municipalities Prohibited. (Ch. 47, Act Mar. 10, 1919.)

SECTION 1. That it shall be unlawful for any person to place or deposit any rubbish, débris, filthy or odoriferous objects or substances upon or along any highway, vacant land, lot, or premises at any place within this State within 1 mile of the limit lines of any incorporated town, village, or city of the State. It shall also be unlawful for any person who may own or who may control any team, conveyance, or vehicle propelled by horse or motor power to either direct or otherwise cause to be deposited any such rubbish, débris, filthy or odoriferous objects or substances from any such conveyance or vehicle upon or along any highway, vacant land, lot, or premises at any place within this State within 1 mile of the limit lines of any incorporated town, village, or city of the State.

SEC. 2. Any person who shall do, or cause to be done, either of the acts mentioned in section 1 of this act, and there declared to be unlawful acts, shall be guilty of a misdemeanor.

SEC. 3. This act is to be in addition to all other acts of this State relating to nuisances, and cumulative of all existing rights, remedies, and penalties which may be provided in other acts.

Smelters, Refineries, and Foundries—Wash Rooms, Shower Baths, and Water-Closets to be Provided. (Ch. 165, Act Mar. 26, 1919.)

SECTION 1. Suitable and proper bathrooms, wash rooms, and water-closets shall be provided by the owner or operator of any smelter, refinery, or foundry

engaged in the treatment or reduction of ores or metals, and all cement works and ore-reduction works using oils, cyanide, acids, quicksilver, and such water-closets shall be properly screened and ventilated, and shall be kept at all times in a clean, sanitary condition, with not less than one seat for each 25 persons and one seat for each fraction thereof above 10 employed in such establishment. One shower bath shall be provided for every 25 men employed in such establishment, with adequate additional wash-room facilities, and at all times they shall be kept in a clean and sanitary condition.

SEC. 2. Every such establishment enumerated above shall provide, maintain, and suitably equip a heated change room immediately contiguous to such establishment, which shall at all times be open to employees and shall at all times be kept in a clean and sanitary condition.

SEC. 3. The enforcement of the provisions of this act are declared necessary for the maintenance of the public health, and the superintendent of the State board of health is charged with the enforcement of the provisions herein contained.

SEC. 4. Any person, persons, firm, company, corporation, or association violating any of the provisions of this act and any person who shall mark, print, or write any obscene picture, writing, or marking in or about the premises herein mentioned shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$50, nor more than \$300, or by imprisonment in the county jail for not less than 10 days, nor more than 60 days, or by both such fine and imprisonment.

Advertisements—False, Deceptive, or Misleading, Prohibited. (Ch. 136, Act Mar. 21, 1919.)

SECTION 1. Any person, firm, corporation or association, or any employee thereof, who, with intent to sell, furnish, perform, or in any way dispose of real or personal property, choses in action, merchandise, service, professional or otherwise, or anything of any nature whatsoever offered by such person, firm, corporation or association, or any employee thereof, directly or indirectly, to the public for sale or distribution, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto or any interest therein, shall make, publish, disseminate, circulate, or cause to be made, published, disseminated, or circulated or in any manner, place or cause to be placed, before the public in the State of Arizona, in any newspaper, magazine or book, pamphlet, circular, letter, notice, hand bill, poster or other publication, or any billboard, sign, card, label, or other window sign, show case or window display, or by any other advertising device, or by public outcry or proclamation, or in any other means whatever, an advertisement of any sort regarding such real or personal property, choses in action, merchandise, service or anything so offered to the public, which advertisement shall contain any statement, representation or assertion concerning such real or personal property, choses in action, merchandise, service or anything so offered to the public, or concerning any circumstances, or matter of fact, connected in any way, directly or indirectly, with the proposed sale, performance, or distribution thereof, which statement, representation or assertion is false or untrue in any respect, or which is deceptive or misleading, and which is known to be false or untrue, deceptive or misleading, by the person, firm, corporation or association making, publishing, disseminating, circulating, or placing before the public such advertisement, shall be guilty of a misdemeanor: *Provided, however,* That this act shall not apply to any publisher of a newspaper, magazine

or other publication, who publishes said advertisement in good faith, without knowledge of its false, deceptive or misleading character.

SEC. 2. Any person, firm or corporation doing business in this State as a merchant, who advertises or displays any brand of goods known to the general public and quotes prices in connection therewith as an inducement to attract purchasers to the place of business so advertised, who shall make verbal or show printed or written false statements regarding quality or merits of the goods advertised, is guilty of a misdemeanor.

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SEC. 4. Any person found guilty of violating the above statute shall be liable for the first offense to a fine of not less than \$25 nor more than \$250 or to imprisonment in the county jail for a period of not less than 30 days nor more than 90 days. For the second offense he shall be liable to a fine of not less than \$50 nor more than \$500 or imprisonment in the county jail for not less than 60 days nor more than six months. For the third offense he shall be liable to a fine of not less than \$100 nor more than \$1,000, or to imprisonment in the county jail for a period of not less than 90 days nor more than one year.

ARKANSAS.

Tuberculosis—Teachers Required to Have Certificates of Health Showing Freedom from—Physical and Sputum Examinations. (Act 608, Apr. 1, 1919.)

SECTION 1. Hereafter all school-teachers within this State shall present a certificate of health from a regularly licensed physician or regularly constituted health authority stating that said teacher is free from tuberculosis, which certificate of health shall be presented to the secretary of the school board before a contract shall be entered into between the school board and the teacher making application, and said certificate of health shall bear date not longer than 12 months prior to application.

SEC. 2. It shall be the duty of the hygienic laboratory of the State board of health to examine free of charge all specimens of sputum submitted for examination for this purpose, and it shall be the duty of the county and city health officers to examine free of charge all school-teachers applying to their offices for such certificate of health.

SEC. 3. Any teacher or school board within this State violating the terms of this act shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not to exceed \$100.

Factories and Other Places Where Six or More Men and Women are Employed—Toilets, Wash Rooms, and Lunch Rooms. (Act 265, Mar. 13, 1919.)

SECTION 1. There shall be provided in every factory, manufacturing establishment, workshop, or other place where six or more men and women are employed, separate toilet and wash rooms for men and women; also suitable lunch room for the women employees separate and apart from the work rooms and toilet rooms: *Provided*, That in establishments where it is impracticable to provide lunch rooms, women workers shall be allowed not less than one hour for mealtime, during which hour they shall be permitted to leave the establishment.

SEC. 2. The commissioner of labor shall enforce the provisions of this act and shall give notice in writing to employers violating same; and, upon failure to comply with the provisions of this act after 30 days from such notice, such employers shall be liable to penalties provided by this act.

SEC. 3. Any firm, person, or corporation violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than \$10 nor more than \$100, each day to constitute a separate offense.

SEC. 4. This act shall not repeal any laws now in force, but shall be cumulative thereto, and shall be in force from and after passage.

**Coal Mines Employing 10 or More Persons—Wash Houses Required—
Shower Baths and Lockers. (Act 134, Feb. 27, 1919.)**

SECTION 1. It shall be the duty of every owner or lessee, its officers and agents, or other person or persons having jurisdiction or direction of any coal mine or coal mines employing 10 or more persons, within the State of Arkansas, to provide within 90 days after the passage and approval of this act a suitable building, which shall be convenient to the principal entrance of such mine or mines, and equip with individual lockers or hangers, benches or seats, proper light, heat, hot and cold water, and shower baths, and maintain same in good order, for the use and benefit of all persons employed in or about said mine or mines. Said building shall be so constructed as to give sufficient floor space for the accommodation of miners or others using the same. The flooring in the washroom of said building to be made of concrete or cement, but the material used in flooring the changing room shall be optional with the owner, lessee, or person operating or directing the operation of the mine or mines. All lockers required by this act, when made of steel, shall be not less than 12 inches in width, 12 inches in depth, and 60 inches in height. When made of lumber they shall not be less than 12 inches in depth, 12 inches in width, and 60 inches in height, with partitions in center of wood lockers.

Individual hangers shall consist of not less than three suitable hooks upon which to hang clothes and a receptacle of suitable size for use in connection therewith, attached to a proper chain or wire rope, and so suspended as to admit of hanger being raised to such height that the wearing apparel when hung thereon will not be less than 7 feet above the floor of said building and of being locked in that position. The lockers or hangers in each washhouse shall be sufficient in number to accommodate all employees of said mine or mines, and there shall be one shower bath for each 15 employees. Said employees shall furnish their own towels, soap, and lock for their lockers or hangers, exercising control over and be responsible for the property by them left therein; and it shall be the duty of all persons using said washhouses to remove therefrom all cast-off wearing apparel.

SEC. 2. Every corporation, company, partnership, person, or persons who shall construct any building or buildings required by section 1 of this act, and shall install such washhouse and washhouse facilities as required therein, shall at all times during the operation of any mine or mines keep same in a clean and sanitary condition, but shall not be liable for the loss or destruction of any property of employees left in any such building or buildings.

SEC. 3. Any owner or lessee, its officers or agents, or other person or persons failing or refusing to comply with the provisions of this act shall be deemed guilty of a misdemeanor, and shall upon conviction be fined not less than \$50 nor more than \$100; each day's violation shall constitute a separate offense and shall be punished as such.

SEC. 4. It shall be unlawful for any person to break, injure, or destroy any part or appurtenance to any washhouse or commit any nuisance therein; and any person adjudged guilty of a violation of this section shall be fined in any sum not less than \$25 nor more than \$50.

SEC. 5. All coal mines operating in this State shall by partition or other means, in the discretion of the State mine inspector, maintain separate washhouses for whites and blacks.

SEC. 6. It shall be the duty of the State mine inspector, and he is by this act authorized, to require washhouses already in existence to be so changed, remodeled, and improved as to comply with the provisions of this act. He shall have general supervision of this law and its enforcement.

CALIFORNIA.

Lethargic Encephalitis—Notification of Cases. (Reg. Bd. of H., Mar. 21, 1919.)

Lethargic encephalitis, "sleeping sickness," is hereby declared a reportable disease in California. Reports of all cases that may be suspicious of this disease should be made promptly to the State board of health, together with all available data relative to symptoms, date of onset, and all clinical data.

Venereal Diseases and Other Sexual Ailments—Advertisements Relating to, Prohibited. (Ch. 294, Act May 16, 1919.)

SECTION 1. From and after the passage of this act it shall be unlawful for any person, firm, corporation, or association, except boards of health or agencies approved by the State board of health, to post or otherwise exhibit or distribute in any manner whatsoever in any place, any advertising or other printed matter concerning venereal diseases, lost manhood, lost vitality, impotency, seminal emissions, self-abuse, varicocele, or excessive sexual indulgence, and calling attention to any medicine, device, compound, treatment, or preparation that may be used therefor.

SEC. 2. Any person violating the provisions of this act shall upon conviction therefor be punished by a fine of not more than \$500 or by imprisonment in the county jail for not more than one year or by both such fine and imprisonment.

Tuberculosis Hospitals or Wards—Establishment and Maintenance by Cities, Counties, Cities and Counties, and Groups of Counties—State Aid. (Ch. 464, Act May 24, 1919.)

SECTION 1. Section 3 of an act¹ entitled "An act to provide for the establishment and maintenance of a bureau of tuberculosis under the direction of the State board of health; defining its powers and duties; providing for the granting of State aid to cities, counties, cities and counties, and groups of counties for the support and care of persons afflicted with tuberculosis; making an appropriation therefor; and repealing certain acts of the legislature of the State of California," approved June 12, 1915, is hereby amended to read as follows:

SEC. 3. Every city, county, city and county, or group of counties is hereby authorized and empowered to establish and maintain a tuberculosis ward or hospital for the treatment of persons in the active stages of tuberculosis. Every city, county, city and county, or group of counties which establishes and maintains a tuberculosis ward or hospital shall receive from the State

¹ Pub. Health Repts. Reprint 338, p. 36.

the sum of \$3 per week for each person suffering from tuberculosis, cared for therein at public expense who is unable to pay for his support and who has no relative legally liable and financially able to pay for his support and who has been a bona fide resident of the city, county, city and county, or group of counties for one year: *Provided*, That the city, county, city and county, or group of counties shall not become entitled to receive such state aid unless the tuberculosis ward or hospital conforms to the regulations of and is approved by the State bureau of tuberculosis. Said hospitals shall be allowed to receive pay patients. The medical superintendent of each hospital receiving State aid under this act shall render semiannually to the State bureau of tuberculosis a report under oath showing, for the period covered by the report, (1) the number of patients suffering from tuberculosis cared for therein at public expense, unable to pay therefor, and (2) the number of weeks of treatment of each such patient.

Every group of counties desiring to establish and maintain a tuberculosis ward or hospital for the treatment of persons suffering from tuberculosis shall appoint, by its board of supervisors, one of its members as a delegate, who shall attend the general meetings of the delegates of each county in said group; the necessary expense incurred in attending such meetings shall be a county charge.

The body thus formed shall be called the hospital central committee. The said delegates from each county are authorized and empowered to enter into an agreement with the other counties for and on behalf of the county appointing them binding said county to the joint enterprise and apportioning the cost of constructing and establishing said hospital and also apportioning cost of maintaining same.

All sums found due from any county according to its agreement duly entered into shall be a debt against said county and may be collected in the manner provided by law by the said hospital central committee or in its behalf by the board of supervisors of any county in said groups in any county thereof, by action instituted and tried in the county in which said hospital is situated.

The hospital central committee shall have power to appoint a committee to supervise and superintend the construction of the building, approve the bills, and do the usual things required of a building committee.

The hospital central committee shall constitute the governing body of said hospital and shall have the same powers and duties in regard thereto that a board of supervisors has over the county hospital, and shall hold meetings to be governed as provided by rules duly adopted by said committee for its government, which rules may provide for the addition of other counties to the group, and shall have power to appoint such committees as necessary and prescribe their duties.

Any land required may be acquired or disposed of by the hospital central committee in such manner as it may be determined by a three-fourths vote of the members thereof: *Provided*, That all counties comprising a group shall have had notice of the intention to acquire or dispose of the same. Title to land may be held in the name of the entire group or in any county composing the same as trustee for the use and benefit of all, as may be determined by said hospital central committee.

Each county in said group is authorized, empowered, and directed to pay its proportionate share to the hospital central committee of such amount as the said committee may designate to constitute a cash revolving fund to carry on the usual work and expense of the hospital. Each month a statement of the expenses of said hospital shall be sent to the board of supervisors of each

county, together with a claim for its proportionate share of said expenses. Said amounts when collected shall be paid into said cash revolving fund.

Said hospital central committee shall have the power to determine and pass upon the right of admission to said hospital of applicants subject to the limitations of this act.

SEC. 2. Section 4 of said act is hereby amended to read as follows:

SEC. 4. The sum of \$200,000 is hereby appropriated, in addition to any amounts heretofore appropriated, out of any money in the State treasury not otherwise appropriated, to be expended by the State board of health in carrying out the provisions of this act: *Provided, however*, That not more than the sum of \$30,000 shall be available for the purposes of said act other than the State aid therein provided. All claims against this appropriation shall be submitted for approval and audit to the State board of control, and shall be paid in accordance with law: *Provided*, That there may be withdrawn from such appropriation with the permission of the State board of control and without at the time furnishing vouchers and itemized statements a sum not to exceed \$500. Said sum so drawn shall be used as a revolving fund where cash advances are necessary, and at the close of each fiscal year or at any other time upon the demand of the board of control must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the board of control and the controller.

Bureau of Child Hygiene—Establishment, Maintenance, and Powers. (Ch. 583, Act May 27, 1919.)

SECTION 1. The State board of health shall maintain a bureau of child hygiene which, in addition to the duties and powers hereinafter prescribed, shall have charge of such matters and shall have such powers as may from time to time be referred to and delegated to it by the State board of health. Said board shall appoint a director of said bureau who shall be a duly licensed and practicing physician of any system of therapeutics and whose salary shall be fixed by the State board of health. The State board of health may also employ and fix the compensation of other additional professional and clerical assistants, and such compensation shall be paid from the funds provided for the maintenance of the bureau of child hygiene.

SEC. 2. This bureau shall have the power, under the direction and supervision of the State board of health, to investigate conditions affecting the health of the children of this State and to disseminate educational information relating thereto: *Provided, however*, That nothing in this act shall be construed as giving the said bureau of child hygiene the power to force compulsory medical or physical examination of children. It shall be the duty of said bureau, upon request, to advise all public officers, organizations and agencies interested in the health and welfare of children within the State of California.

SEC. 3. The sum of \$20,000 is hereby appropriated out of any moneys in the State treasury not otherwise appropriated to be expended in accordance with law for the purpose of carrying out the provisions of this act. All claims against this appropriation shall be audited by the State board of health and by the board of control, and shall be paid by the State treasurer upon warrants drawn by the State controller.

Sanitary Districts—Organization, Reorganization, Operation, and Dissolution—Taxes—Bonds—Powers of Sanitary Boards. (Ch. 480, Act May 27, 1919.)

SECTION 1. Whenever 25 persons in any county of the State shall desire the formation of a sanitary district within the county, they may present to the

board of supervisors of such county a petition, in writing, signed by them, stating the name of the proposed district, and setting forth the boundaries thereof, and praying that an election be held as provided by this act. Each of the petitioners must be a resident and freeholder within the proposed district.

SEC. 2. When such petition is presented as above provided, the board of supervisors must, within 30 days thereafter, order that an election be held as provided by this act. The order must fix the day of such election, which must be within 60 days* from the date of the order, and must show the boundaries of the proposed district, and must state that at such elections persons to fill the offices provided by this act, viz, a sanitary assessor and five members of the sanitary board, will be voted for. This order shall be entered in the minutes of the board, and shall be conclusive evidence of the due presentation of a proper petition and of the fact that each of the petitioners was, at the time of the signature and presentation of such petition, a resident and freeholder within the limits of the proposed district.

SEC. 3. A copy of such order shall be posted for four successive weeks prior to the election in three public places within the proposed district, and shall be published for four successive weeks prior to the election in some newspaper published in the proposed district, if there be one, and if not, in some newspaper published in the county. It shall be sufficient if the order be published once a week.

SEC. 4. The board of supervisors, at least 15 days prior to the election, shall select one, and may select two, polling places within the proposed district, and make all suitable arrangements for the holding of such election. They must appoint one inspector and two judges of election in each polling place, who shall constitute the officers of said election; if none are so appointed or if those appointed are not present at the time of the opening of the polls, the electors present may appoint them and they shall conduct the election. The ballots shall contain the words, "For a sanitary district," or "Against a sanitary district," as the case may be, and also the names of the persons to be voted for at said election. At such election there shall be elected a sanitary assessor and five persons for members of the sanitary board. Such election, and all subsequent elections in said district, shall be conducted as nearly as practicable in accordance with the general election laws of the State, except that the provisions of said laws as to the form of ballots and the making of nominations shall not apply. Every qualified elector, resident within the proposed district for the period requisite to enable him to vote at a general election, shall be entitled to vote at the election above provided for. If a majority of the votes cast at such election shall be in favor of a sanitary district, the board of supervisors shall make and cause to be entered in the minutes of said board an order that a sanitary district of the name and with the boundaries stated in the petition (setting forth such boundaries) has been duly established, and said order shall be conclusive evidence of the fact and regularity of all prior proceedings of every kind and nature provided for by this act or by law, and of the existence and validity of the sanitary district. If a majority of the votes cast shall be against a sanitary district, the board shall by order entered in its minutes, so declare; no other proceeding shall be taken in relation thereto until the expiration of one year from the date of the presentation of the petition to said board.

SEC. 5. Every sanitary district formed under the provisions of this act shall have power to have and use a common seal, alterable at the pleasure of the sanitary board; to sue and be sued by its name; to construct, reconstruct, alter, enlarge, lay, renew, replace, and maintain such sewers, drains, septic

tanks and other drainage and sewer disposal system as in the judgment of the sanitary board shall be necessary or proper, and for this purpose to acquire by purchase, gift, devise, condemnation proceeding, or otherwise, such real and personal property and rights of way, either within or without the limits of the district, as in the judgment of the sanitary board shall be necessary or proper, and to pay for and hold the same; to make and accept any and all contracts, deeds, releases, and documents of any kind which, in the judgment of the sanitary board, shall be necessary or proper to the exercise of any of the powers of the district, and to direct the payment of all lawful claims and demands against it; to issue bonds as hereinafter provided, and to assess, levy, and collect taxes to pay the principal and interest of the same, and the cost of laying and the expense of maintaining any sewer or sewers that may be constructed subsequent to the issuance of said bonds or any lawful claims against said district, and the running expenses of the district; in all work for the construction and repairs upon such sewers, septic tanks, drains, and other drainage, and sewer disposal system when the expenditure required for the same exceeds the sum of \$200, the same shall be done by contract, and shall be let to the lowest responsible bidder, after notice by publication in a newspaper of general circulation, printed and published in such district, for at least two weeks, or by printing and posting the same in at least four public places therein for the same period, as the sanitary board may direct; such notice shall distinctly and specifically state the work contemplated to be done: *Provided*, That the sanitary board may reject any and all bids presented and readvertise in their discretion: *Provided, however*, That in cases of emergency said notice may be dispensed with and the contract let for said repairs, or said work may be done by day's labor and the material therefor purchased in the open market; to employ all necessary agents and assistants, and pay the same; to lay its sewers and drains in any public street or road of the county, and for this purpose enter upon the same and make all necessary and proper excavations, restoring the same to proper condition; but in case such street or road shall be in an incorporated city or town the consent of the lawful authorities thereof shall first be obtained; to make and enforce all necessary and proper regulations for the removal of garbage, and the cleanliness of the roads and streets of the district, and all other sanitary regulations not in conflict with the constitution or laws of the State; any violation of any such regulations or ordinances is hereby declared to be a misdemeanor punishable by fine or imprisonment, or both; but no such fine shall exceed the sum of \$100; and no such imprisonment shall exceed one month; to call, hold, and conduct all elections necessary or proper after the formation of the district; to prescribe, by order, the time, mode, and manner of assessing, levying, and collecting taxes for sanitary purposes, except as otherwise provided herein; to compel all residents and property owners within the district to connect their houses and habitations with the street sewers, drains, or other sewage disposal system; and generally to do and perform any and all acts necessary or proper to the complete exercise and effect of any of its powers, or the purposes for which it was formed.

SEC. 6. The officers of the district shall be a sanitary assessor and five members of the sanitary board.

SEC. 7. There shall be an election for sanitary assessor on every even-numbered year in which members of the sanitary board are elected, and at the same time, place and manner; and the person then elected shall hold office for two years next thereafter, and until the election and qualification of his successor. The person elected assessor at the election at which the district was

formed shall hold office until the election and qualification of his successor: *Provided*, That if at any time a vacancy occurs in the office of assessor, the sanitary board shall appoint a suitable person to fill such vacancy until the next election at which an assessor may be elected under the provisions of this act.

SEC. 8. It shall be the duty of the sanitary assessor to make out, before the first Monday in July of each year, a list of all the tangible real and personal property within the district; he shall list the tangible real and personal property in any annexed district separately. Such list shall contain a general description of the property; said description shall be identical with said descriptions of the same properties as contained on the county assessment list for the current year, an assessment of the value thereof, the name or names of the owner or owners, and such other matters as may be ordered by the sanitary board and such matters as shall be necessary to make such list conform to the provisions of the general laws of the State of California. The land shall be assessed separately from the improvements thereon. No mistake in the name of the owner of any of the real or personal property assessed, or any informality in the description, or in other parts of the assessment, shall invalidate the same. The sanitary assessor shall verify said list by his oath, before some officer authorized to administer oaths, and shall deposit the same with the sanitary board on the first Monday of July of each year, or as soon thereafter as is practicable. He shall have power to administer all oaths and affirmations necessary or proper in the performance of his duty as assessor, and shall receive such compensation as shall be fixed by the order of the board. He shall also perform such further duties and do such further acts as may be ordered or required by the sanitary board.

SEC. 9. There shall be an election for two members of the sanitary board in every even-numbered year, beginning with the second even-numbered year after the election at which the district was organized, and the two members then to be elected shall hold office until the election and qualification of their successors in the next even-numbered year; and there shall be an election for three members of the sanitary board in every odd-numbered year, beginning with the second odd-numbered year after the election at which the district was organized, and the three members then to be elected shall hold office until the election and qualification of their successors in the next odd-numbered year. The five members elected at the election at which the district was organized shall, at their first meeting, or as soon thereafter as may be practicable, so classify themselves, by lot, that two of them shall go out of office in the second even-numbered year after the election at which the district was organized, and upon the election and qualification of their successors; as provided by this act each of the members of the sanitary board shall receive for each attendance of the meeting of the sanitary board, \$5, and shall receive no other compensation; no member of the sanitary board, however, shall receive pay for more than one meeting in any calendar month. All elections for officers, after the formation of the district shall be held on the first Monday after the first Tuesday in the month of March. Not less than 20 days before the day of such election the sanitary board must give notice of said election by posting notices thereof in three public places in the sanitary district, which notices must specify the time and place of election, the hours during which the polls will be kept open, and the officers to be elected. They shall select one, and may select two, polling places within the district; shall appoint one inspector and two judges of election in each polling place, and make all necessary and proper arrangements for holding the election. Said election officers shall constitute the election board. If no election officers are

so appointed, or if those appointed are not present at the time of the opening of the polls, the electors present may appoint them, and they shall conduct the election. Such election shall be conducted as nearly as practicable in accordance with the general election laws of the State, except that the requirements of said laws as to the form of ballots and the making of nominations of candidates shall not apply. Every qualified elector resident within the district for the period requisite to enable him to vote at a general election, shall be entitled to vote at the election. At such election the last great register of the county shall be used, and any elector whose name is not upon such great register shall be entitled to vote upon producing and filing with the board of election a certificate, under the hand and seal of the county clerk, showing that his name is registered and uncanceled upon the great register of such county, provided that he is otherwise entitled to vote.

The officers of the election must publicly canvass the votes immediately after the closing of the polls, and must certify the result within 24 hours after the closing of the polls to the sanitary board. Said board shall within five days after the election canvass said returns, and shall make, sign, and deliver certificates of election to the person or persons elected.

SEC. 10. The sanitary board shall be the governing power of the district and shall exercise all the powers thereof, except the making of an assessment list in the first instance as herein provided. At its first meeting, or as soon thereafter as may be practicable, the board shall choose one of its members as president and another of its members as secretary. And all contracts, deeds, warrants, releases, receipts, and documents of every kind shall be signed in the name of the district by its president, and shall be countersigned by its secretary. The board shall hold such meetings, either in the day or in the evening, as may be convenient. In case of the absence or inability to act of the president or secretary the board shall, by order entered upon the minutes, choose a president pro tempore or secretary pro tempore, or both, as the case may be.

SEC. 11. On the first Monday of July each year, at the hour of 7.30 o'clock p. m., the sanitary board shall meet at its usual place of meeting within said district, and proceed to organize itself into a board of equalization, and if the sanitary assessor has returned the assessment list for said year said board shall proceed to equalize the property so assessed and returned by said sanitary assessor. If said assessment list has not been returned by said sanitary assessor said board must adjourn from day to day until said assessment list has been returned, and for the purpose of adjournment one or more of the members of said board present may make said adjournment and announce the same. Upon the assessment list having been returned by the assessor, said board of equalization shall proceed to equalize the property listed on said assessment list, and said board shall continue in session as a board of equalization until the property upon the entire list returned by the assessor shall have been examined, rectified, and equalized, with such reasonable intermissions during the day and from day to day as may be expedient. The board shall have power to hear complaints as to the proceedings of the assessor and to adjudicate and determine the controversy thereon, and may of its own motion raise an assessment, after such reasonable notice to the party whose assessment is to be raised, as may be ordered by the board. After the examination and rectification of the assessor's list shall have been completed the board shall, by resolution, fix the rate of taxation for sanitary purposes, designating the number of cents on each \$100 to be levied for each fund and shall designate the fund into which the same shall be paid; but no more than 15 cents on each \$100 shall be levied for all the sanitary purposes of any one year,

besides what shall be required for the payment of the principal and interest of such year upon outstanding bonds. After the entry in the minutes of the resolution fixing the rate of taxation the sanitary board shall cause the assessor to compute the amount of the tax upon each piece of real and personal property and enter the same upon the assessment list in a suitable place. The list, when so completed, shall be verified by the assessor and signed by the president and secretary; and the amount of the tax shall thereupon become a lien upon the property upon which it is assessed and shall have the effect of a judgment against the person of the owner thereof, and every such lien shall have the force and effect of an execution duly levied against all the property of the delinquent; and the judgment shall not be deemed satisfied or the lien extinguished until the taxes are paid or the property sold to satisfy the same, and no statute of limitations shall apply. No bonds shall be voted for or issued at any one time which in the aggregate shall exceed 15 per cent of the assessed value of all the real and personal property of such district, whether it be made up of one issue of bonds or of several issues.

Sec. 12. As soon as practicable, but not later than the third Monday in July, after the taxes have been computed and extended on the assessment list, verified by the assessor and signed by the president and secretary of said board, the board shall transmit, or cause the assessor to transmit, a duplicate of the list so made, to the tax collector of the county, who shall collect the taxes shown by said list to be due, in the same manner as he collects the county taxes, and all the provisions of the laws of the State as to the collection of taxes and delinquent taxes, and the enforcement of the payment thereof, so far as applicable, shall apply to the collection of taxes for sanitary purposes; and said tax collector, and the sureties on his official bond, shall be responsible for the due performance of the duties imposed upon him by this act: *Provided*, That the sanitary board may, in its discretion, direct the district attorney of the county to commence and prosecute suits for the collection of the whole, or any portion of the delinquent taxes; and it shall be the duty of the district attorney to carry out such directions of the sanitary board, and he, and the sureties upon his official bond, shall be responsible for the due performance of the duty imposed upon him by this act.

All money collected for sanitary purposes by the district attorney under this act shall be at once paid to the county treasurer: *Provided, further*, That the sanitary board may, at any time, by order entered in its minutes, provide a system for the collection of delinquent taxes, or make any change in the manner of their collection, which as to such taxes shall have the force of law. Whenever any property is sold for delinquent sanitary taxes, under the provisions of this act, the tax collector shall file with the county recorder, at the expense of the purchaser, a copy of the certificate of such sale; and when at any time redemption is made of any property which has been sold for delinquent sanitary taxes the redemption officer of the sanitary district shall immediately forward a copy of the redemption certificate to the county recorder and the county recorder shall inscribe or stamp upon the margin of the certificate of sale of said property then on file in his office, the word "redeemed," together with the date, the amount paid, and the name of the party redeeming said property: *And further provided*, That whenever the tax collector issues a deed to the purchaser of any property sold for delinquent sanitary taxes, the said tax collector shall forward a copy of the deed to the county recorder, and the county recorder shall then inscribe or stamp upon the margin of the certificate of sale of said property then on file in his office, the words "deeded to," together with the date, and the name of the party to whom said deed was issued. In the event that property upon which sanitary district taxes have

become delinquent is, on account of such delinquency, sold by the tax collector, and a deed therefor is issued to any person other than the State of California, the party who was of record as the owner of such property at the time of such sale and of such issuance of such deed, is hereby granted the right to redeem said property from the tax title purchaser thereof, at any time within a period of five years from and after the issuance of such deed, by the payment to the said tax title purchaser of the amount for which the said property was to him sold by the tax collector and an additional premium which shall not be greater than 100 per cent of the said purchase price. It is hereby declared to be unlawful for any person or persons who have purchased at a delinquent tax sale any property which is sold for delinquent sanitary taxes, to demand for its redemption any sum greater than the amount which is by this act specified; or to refuse to redeem any such property to the party who was the owner thereof at the time of such delinquent tax sale, when proper tender is made, within five years after date of such sale, of an amount which is not greater than the amount which is by this act permitted.

SEC. 13. The tax collector shall pay over to the county treasurer all moneys collected by him for sanitary purposes, as fast as the same shall be collected, and the said treasurer shall keep the same in the county treasury as follows: In a fund called the bond fund of sanitary district (naming it) he shall place and keep the moneys levied by the sanitary board for such fund; and no part of the money in this fund shall be transferred to any other fund, or be used for any other purpose than the payment of the principal and interest of the bonds of the sanitary district, and for the retirement of bonds which had been issued by a district which formerly formed a part of the sanitary district as hereinafter provided for, so long as any such bonds shall be unpaid; in a fund called the running expense of sanitary district (naming it) he shall place and keep the moneys levied by the sanitary board for such fund. The whole or any part of the money in the running expense fund may be transferred to the bond fund, or to the other fund hereinafter provided for, upon the order of the sanitary board, and it shall be the duty of the treasurer to comply with such order. The treasurer shall pay out moneys from either of said funds, or from the fund hereinafter mentioned, only upon the written order of the sanitary board, signed by the president and countersigned by the secretary, which order shall specify the name of the person to whom the money is to be paid and the fund from which it is to be paid, and shall state generally the purpose for which the payment is made, and such order shall be entered in the minutes of the sanitary board. The treasurer shall keep the order as his voucher, and shall keep a specific account of his receipts and disbursements of money for sanitary purposes. The treasurer and sureties upon his official bond shall be liable for the due performance of the duties imposed upon him by this act. The treasurer shall keep the money arising from the sale of bonds in the fund hereinafter mentioned.

SEC. 14. At any time after the district is organized the sanitary board, by order entered in the minutes, may, when in its judgment it is advisable, and must, upon a petition of a majority of the qualified electors residing in the district, call an election and submit to the electors of the district the question whether the bonds of such district shall be issued and sold for the purpose of raising money for construction, reconstruction, alteration, laying, renewing, replacing, or enlargement of sewers, drains, or septic tanks or other drainage or sewer system, whether the same be for a system of the same nature as or of a different nature than the system already installed or constructed for the disposal of sewage.

The order calling such election shall be valid and effectual when signed by two-thirds of the members of said sanitary board, and may so submit to said electors as one proposal the question of issuing bonds to make all said outlays, or so many of them as may be selected, or said order may submit at said election as separate questions the issuance of bonds for any of said outlays singly or in such combinations as the order may direct.

SEC. 15. Notice of such election shall be given by posting notices, signed by the board, or by a majority thereof, in three public places in the district, not less than 20 days before the election; and by publishing such notice not less than once a week for three successive weeks before the election in a newspaper printed and published in the district, if any newspaper is published therein, and if not, in a newspaper printed and published in the county.

SEC. 16. Such notice shall contain:

1. Time and place of holding such election.
2. The names of the officers of election appointed to conduct the same.
3. The hours during the day in which the polls will be open.
4. A statement of the purpose for which the election is held.
5. The amount and denomination of the proposed bonds, the rate of interest, and the number of years, not exceeding 40, the whole or any part of said bonds are to run.

SEC. 17. At any time prior to the day fixed for the election, the board shall select one, and may select two, polling places within the district, appoint one inspector and two judges of the election for each polling place, and make all necessary and proper arrangements for holding the election. If no election officers are appointed, or if those appointed are not present at the time for opening the polls, the electors present may appoint them and they shall conduct the election. The vote must be by ballot (without reference to the general election law in regard to form of ballot). The ballot shall contain the words "Bonds—Yes" and "Bonds—No," and the persons voting at said bond elections shall put a cross (X) upon their ballots with pencil or ink after the words "Bonds—Yes" or "Bonds—No" (as the case may be) to indicate whether they have voted for or against the issuance of bonds.

The elections shall be conducted in accordance with the general election laws of the State, so far as the same shall be applicable, except as herein otherwise provided.

Every qualified elector resident within the district for the length of time necessary to enable him to vote at a general election shall be entitled to vote at the elections above provided for. After the votes shall have been announced the ballots shall be sealed up and delivered to the secretary or president of the sanitary board, which board shall on the seventh day after the election, at 8 o'clock p. m., meet and canvass the returns of the election, and if it appears that two-thirds of the votes cast at said election were in favor of issuing such bonds, then the board shall cause an entry of that fact to be made upon its minutes. Such entry shall be conclusive evidence of the fact and regularity of all prior proceedings of every kind and nature provided by this act or by law, and of the facts stated in such entry. If, at such election, two-thirds of the votes cast be in favor of the issuance of bonds as proposed by the sanitary board, the said board shall thenceforth have full power and authority to issue and dispose of bonds as proposed in the order calling the election: *Provided*, That the total amount of bonds so issued shall not exceed 10 per cent of the assessed value of all real and personal property of the district, as shown by the last equalized assessment book of the county.

SEC. 18. All bonds issued under the provisions of this act shall be of such denominations as the sanitary board may determine, except that no bonds shall

be of a less denomination than \$100, nor of a greater denomination than \$1,000. Said bonds shall be payable in gold coin of the United States at the office of the county treasurer of the county wherein said district is situated, and shall bear interest at a rate not exceeding 6 per cent per annum, which interest shall be payable semiannually in like gold coin. Not less than one-fortieth part of the total issue of bonds shall be payable each year, on a day to be specified by the sanitary board, but no bonds shall be payable in installments, but each bond issued hereunder shall be payable in full on the date specified therein by said board. Each bond shall be signed by the president and countersigned by the secretary of the sanitary board, and said bonds shall be numbered consecutively, beginning with number one, and shall have coupons attached referring to the number of the bond to which they are attached, which coupons shall be signed by the president and countersigned by the secretary of said board. The bonds must be disposed of by the sanitary board in such manner and in such quantities as may be determined by said board in its discretion, but no bond must be disposed of for less than its face value. The proceeds of such sale shall be deposited with the county treasurer and shall be by him placed in the fund to be called the sewer construction fund of ----- sanitary district (naming it); the money in such fund shall be used for the purpose indicated in the order calling the election upon the question of the issuance of the bonds, and for no other purpose: *Provided*, That if after such purposes are entirely fulfilled any balance remain in such fund, such balance may, upon the order of the sanitary board, be transferred to either of the other funds provided by this act.

SEC. 19. If the result of the election be against the issuance of bonds, no other election upon the question shall be called or held for a period of one year. After a district organized under the act of 1891, mentioned in section 31 hereof, shall have been reorganized under this act as provided in said section 31 hereof, the entire amount of unredeemed bonds issued by such districts under the provisions of said act of 1891 may be presented by the holder or holders thereof to the sanitary board organized under the provision of this act or to sanitary districts reorganized under the provision of section 31 of this act, and there shall be exchanged therefor and issued in lieu thereof to such holder or holders, by the sanitary board organized under the provision of this act or to sanitary districts reorganized under the provision of section 31 of this act, bonds issued in accordance herewith for the various amounts of the bonds so surrendered; it being the intention hereof to permit the surrender of sanitary district bonds heretofore issued payable in installments by the holder thereof, and the exchange therefor of a like amount of bonds of such sanitary district having a denomination equal to the installments payable under one or more of the bonds heretofore issued by any one sanitary district; said new bonds to be payable, as nearly as practicable, at the same time as said installments and in equal amounts; the amount of said new bonds issued in lieu of said old bonds to be payable in any one year to equal the amount of the installments on said old bonds payable in such year. All expenses of the exchange shall be borne by the holder of the bonds presented for exchange, and interest on the new bonds shall be paid at the same time and rate as on the old bonds. Upon such exchange being effected the old bonds shall be canceled by punching holes in the signatures thereto attached, and shall be retained by the treasurer of said county as evidence of such cancellation.

SEC. 20. The sanitary board of each district shall annually levy a tax upon the taxable property in the district sufficient to pay the interest of said bonds for the year, and such portion of the principal as is due or is to become due during such year, and in any event the tax must be high enough to raise

annually a proportion of the principal of said bonds equal to the sum produced by dividing the whole amount of said bonds outstanding by the number of years said bonds then have to run, so that the entire amount of principal and interest of said bonds shall be paid at or before maturity, and in any event within 40 years of the date of issuance of the bonds; and it is hereby made the duty of the tax collector, or such other person as may be charged with the duty of collecting the sanitary taxes, to collect the said taxes so to be levied, and the duty of the sanitary board to order the same to be paid in manner and form as provided by this act, and the duty of the county treasurer to pay the same. If, for any reason, any portion of the tax for any year remains unpaid, and in consequence thereof any portion of the interest or principal due for any year remains unpaid, the same shall be added to the levy for the next year, and be collected and paid accordingly. The payment of the whole amount of the principal and interest of all of said bonds, within 40 years from their issuance, is hereby made the imperative duty of the district; and, if necessary for that purpose, a special tax shall be levied; and it is hereby made the duty of every officer and board to do his or its respective part toward the levy, collection, and payment of such tax; and mandamus shall issue from the superior court of the county in which the district is situated, or from any other competent court, upon application of any party interested, for the purpose of compelling the performance of the duty imposed by this act upon any and all officers or boards.

SEC. 21. If the result of any election upon the question of the issuance of bonds be in favor of such issuance, the sanitary board may, in their discretion, before such issuance, commence, in the superior court of the county, a special proceeding to determine their right to issue such bonds and the validity thereof, similar to the proceeding in relation to irrigation bonds, provided for by an act entitled "An act to provide for the organization and government of irrigation districts and to provide for the acquisition or construction thereby or works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897; and all acts amendatory thereof and supplementary thereto and all the provisions of said act shall apply to and govern the proceedings so to be commenced by the sanitary board, so far as the same are applicable; and said proceedings shall be in accordance with the provisions of said act, so far as the same are applicable, and the judgment in such proceedings shall have the same effect as a judgment in relation to irrigation bonds under the provisions of said act.

SEC. 22. Any general regulation of the sanitary board shall be by order entered in the minutes, but such order shall be published once a week for one week in some newspaper published within the district, if there be one, and if there be no such newspaper then such order shall be posted for one week in three public places within the district. A subsequent order of the board that such publication or posting has been duly made shall be conclusive evidence that such publication or posting has been properly made. Orders not establishing a general regulation need not be published or posted (unless otherwise provided by this act), but shall be entered in the minutes, and the entry shall be signed by the secretary of the board. A general regulation shall take effect immediately upon the expiration of the week of publication or posting thereof. An ordinary order shall take effect upon the entry in the minutes.

SEC. 23. The board may instruct the district attorney of the county to commence and prosecute any and all actions and proceedings necessary or proper to enforce any of its regulations or orders, and may call upon said district attorney for advice as to any sanitary subject; and it shall be the duty of

the district attorney to obey such instructions and to give advice when called on by the board therefor. The board may at any time employ special counsel for any purpose. All fines for the violation of any regulation or order of the sanitary board shall, after the expenses of the prosecution are paid therefrom, be paid to the secretary of the board, who shall forthwith deposit the same with the county treasurer, who shall place the same in the running expense fund of the district.

SEC. 24. The district may at any time be dissolved upon the vote of two-thirds of the qualified electors thereof, upon an election called by the sanitary board upon the question of dissolution. Such election shall be called and conducted in the same manner as other elections of the district. Upon such or any other dissolution the property of the district lying within the corporate limits of any city or town shall vest absolutely in the incorporated city or town; and if the whole or a portion of the property of the district is without the corporate limits of an incorporated city or town the whole or the portion of the property of the district that lies without the corporate limits of the city or town shall vest in the board of supervisors of the county until the formation of a city or town; embracing the territory lying without such incorporated city or town: *Provided, however,* That if at the time of such election to dissolve such district there be any outstanding bonded indebtedness of such district, then, in such event, the vote to dissolve the district shall dissolve the same for all purposes, excepting only the levy and collection of taxes for the payment of such indebtedness and for the payment of the expenses of assessing, levying and collecting the same, and the expense of maintenance of said sewer system, and from the time such district is thus or otherwise dissolved, until such bonded indebtedness, with the interest thereon, is fully paid, satisfied and discharged, the legislative authority of said incorporated city or town, where the property of the district lies wholly within the corporate limits of an incorporate city or town, and in all other cases the board of supervisors are hereby constituted, ex officio, the sanitary board of such district. And it is hereby made obligatory upon such board or legislative authority to levy such taxes and perform such other acts as may be necessary in order to raise money for the payment of such indebtedness and the interest thereon, and for the purpose of maintenance of the sewer system as herein provided, and said board or legislative authority shall maintain the sewer system installed in proper condition and shall fulfill and compel fulfillment of any and all contracts made by the sanitary district for the right of connections made with property lying outside of the boundaries of said district; and shall maintain and protect all other rights acquired by the district; and shall not permit connection to be made with the system installed by any property outside of the boundaries of said sanitary district existing at the time of dissolution.

SEC. 25. The sanitary board shall have power, except in incorporated cities or towns, at any time after main sewers or other sewers are laid, to order and contract for the construction of a sewer in any street, highway, or upon property and rights of way owned by the sanitary district or part of any street, highway, or property or rights of way owned by sanitary districts where a sewer is not already constructed, and to provide by such order that the cost thereof shall be borne by the property fronting along the line of the sewer, or to be borne by a district as ordered. The provisions of that certain act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places, and sidewalks within municipalities, and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places, and sidewalks, and providing for the issuance and payment of street improvement bonds to repre-

sent certain assessments for the cost thereof and providing a method for the payment of such bonds" approved April 7, 1911, and the amendatory acts thereto, is hereby made applicable to sanitary districts. All proceedings shall be had in accordance with the provisions of said act and the amendments thereto: *Provided, however*, That the words "city council" and "council" used in said act shall be understood to mean sanitary boards. The words "city" and "municipality" shall be understood to mean sanitary districts. The words "clerk" and "city clerk" shall be understood to mean "secretary" of the sanitary board. The words "superintendent of streets" and "street superintendent" and "city engineer" shall be understood to mean the engineer of such "sanitary district," and the terms "treasurer" and "city treasurer" shall be understood to mean any person or official who shall have charge of and make payment of the funds of such sanitary district. The term "right of way" shall mean any parcel of land through which a right of way has been granted to the sanitary district for the purpose of constructing and maintaining a sewer therein: *And provided further*, That all the powers and duties conferred by the said provisions of said act and acts amendatory and supplementary thereto upon city councils, superintendents of streets, clerk and city clerks, and treasurers, and engineers, are hereby conferred and imposed upon the respective officers and board above specified.

SEC. 26. The boundaries of any sanitary district may be altered and outlying contiguous territory in the same county as such sanitary district annexed thereto in the manner following: A petition signed by 25 per cent of the qualified electors of such contiguous territory proposed to be annexed as shown by the last equalized assessment book of the county in which said sanitary district is situated, designating specifically the boundaries of such contiguous territory proposed to be annexed, and the assessed valuation thereof as shown by said last equalized assessment book, and stating that such territory is not within the limits of any other sanitary district, and asking that such territory be annexed to said sanitary district, shall be presented to the sanitary board thereof, together with a duly executed bond for the sum of not less than \$100, to be approved by said sanitary board and filed with the secretary of the sanitary board as security for the payment by said petitioners of the reasonable costs of the election hereinafter provided for, in the event that at said election less than a majority of the votes cast are in favor of the annexation of the proposed territory to the sanitary district. When such petition is presented and a bond approved and filed as above provided for, the sanitary board must within 30 days thereafter order that an election be held for the purpose of determining whether or not such proposed territory shall be annexed. The order must fix the day of such election, which must be within 60 days from the date of the order, and must show the boundaries of the proposed district. This order shall be entered in the minutes of the sanitary board and shall be conclusive evidence of the due presentation of a proper petition, and of the fact that each of the petitioners was at the time of the signing of the petition and the presentation thereof a resident and freeholder within the limits of the proposed district to be annexed.

A copy of such order shall be posted for four successive weeks prior to the election in three public places within the district and the district proposed to be annexed, and shall be published for four successive weeks prior to the election in some newspaper published in the district, if there be one; and if not, in some newspaper published in the county. It shall be sufficient if the order be published once a week. At any time prior to the day fixed for the election the board shall select one and may select two polling places within the sanitary district, and shall select one and may select two polling places within the

district proposed to be annexed, appoint officers of election, and make all necessary and proper arrangement for holding the election. Upon the ballots to be used at such election there shall be printed the words, "For annexation to the sanitary district," and "Against annexation to the sanitary district," and there shall be a voting square to the right of and opposite each such proposition. The election shall be conducted in accordance with the general election laws of the State, so far as the same shall be applicable, except as herein otherwise provided. Every qualified elector resident within the district and the district proposed to be annexed for the length of time necessary to enable him to vote at a general election shall be entitled to vote at the election above provided for. After the votes shall have been announced the ballots shall be sealed up and delivered to the secretary or president of the sanitary board, which shall, as soon as practicable, proceed to canvass the same. Immediately upon the completion of such canvass said sanitary board shall cause a record thereof to be made and entered upon its minutes showing the whole number of votes cast in such sanitary district, the whole number of votes cast in the district proposed to be annexed, the whole number of votes cast in each in favor of annexation, and the number thereof cast in each against annexation; and if it shall appear from such canvass that a majority of all of the votes cast in such sanitary district and a majority of all the votes cast in the district proposed to be annexed are in favor of annexation the secretary or other officer performing the duties of secretary of the sanitary board of such sanitary district shall make and cause to be entered in the minutes of said board and indorsed on said petition an order approving said petition, and said petition shall thereupon be transmitted and filed with the board of supervisors of the county in which such sanitary district is situated. Such entry shall be conclusive evidence of the fact and regularity of all prior proceedings of every kind and nature provided by this act or by law, and the facts stated in such entry. Said board of supervisors, at its next regular meeting after filing of said petition, shall by an order alter the boundaries of said sanitary district and annex thereto the contiguous territory described in said petition. Such order shall be conclusive evidence of the validity of all prior proceedings leading up to such annexation and recited in said order, and from and after the same such territory shall become and be a part of such sanitary district. If at said election less than a majority of the votes cast in either the sanitary district or the district proposed to be annexed be in favor of annexation of the proposed territory to the sanitary district, the signers of said petition shall within 10 days after the canvassing of the votes of said election pay to the sanitary board a sum of money covering the reasonable cost of said election, and if said sum of money is not so paid within 10 days as aforesaid the sanitary board shall have the right of action under said bond to recover the reasonable cost of said election, and the sanitary board shall by order disapprove said petition and enter the same in the minutes of said board, and no other proceedings shall be taken in relation thereto until the expiration of one year from the presentation of said petition, except to collect the costs of said election as herein provided.

At any time after the annexation of such contiguous territory the sanitary board may issue bonds for the construction of sewers therein in the manner and for the purposes prescribed and specified in sections 14 to 21, inclusive, of this act: *Provided, however,* That only qualified electors resident within said annexed territory shall be entitled to petition or vote in said proceedings: *And provided further,* That taxes for the payment of the principal and interest of such bonds shall be limited to the taxable property situate within such annexed

contiguous territory: *Provided further*, That nothing in this section shall be construed to limit the powers or alter the procedure elsewhere in this act provided for the issuance of bonds by an entire district and payable out of taxes levied upon all the taxable property therein, whether the boundaries of the district remain as originally established or have been altered by the annexation of contiguous territory.

SEC. 27. At any time after the sewer or other sanitary system is constructed the board of trustees or other governing body of any municipal corporation lying within the limits of any sanitary district may elect to keep and maintain the lateral sewer lying within said municipality in order and repair and may enter into an agreement with the sanitary board so to do. From and after the date of such agreement said board of trustees shall keep said lateral in repair, and the sanitary board shall not be required to keep the same in order or repair. After a municipality elects to keep the lateral sewers within its corporate limits in order and repair the property within the corporate limits of such municipality shall not be taxed for running expenses except for the inspection and repairs of the main sewers lying within such municipality.

SEC. 28. Whenever any sanitary district has an outstanding indebtedness evidenced by the bonds thereof, the sanitary board or other governing body thereof shall have the power at any election calling for the issuance of additional bonds for the construction of a larger or more comprehensive sewer or other sanitary system in the original district or in a sanitary district whose boundaries have been altered by the annexation of outlying contiguous territory thereto as provided for in this act, to submit to the qualified electors of such sanitary district the question of declaring all or any of such bonds to be at once due and payable, and provided [sic] for the payment or retirement thereof out of moneys to be realized from the sale of such additional bonds.

SEC. 29. Whenever the sanitary board of an original sanitary district, or of a sanitary district the boundaries of which have been altered by the annexation of outlying contiguous territory, as provided for in this act, shall by order passed by a vote of two-thirds of all its members and approved by the president of the board, which order shall be entered in the minutes, determine that the public interest or necessity of the original district or of a district whose boundaries have been altered by the annexation of outlying contiguous territory, demands the construction of a larger main sewer or a different system, the board may call an election for the purpose of determining whether bonds shall be issued for the construction of a larger main sewer or for a system different from that already constructed for the disposal of sewage.

The proceedings in respect to the issuance of bonds for such purposes shall in every respect, except as in this section otherwise provided, conform to the requirements of sections 14 to 21, inclusive, of this act.

SEC. 30. The mode of nomination of election of all elective officers of such sanitary district, to be voted upon at any sanitary election, shall be as follows and not otherwise. The name of the candidate shall be printed upon the ballot, when a petition of nomination shall have been filed with the secretary of the board, when the district is already formed, or with the clerk of the board of supervisors when the election is for the purpose of forming a sanitary district, in his behalf in the manner and form as follows: The petition of nomination shall consist of not less than 5 nor more than 20 signatures which shall read substantially as follows:

PETITION OF NOMINATION.

STATE OF CALIFORNIA,

County of _____, ss:

I, (or we) the undersigned certify that I do hereby join in a petition for the nomination of _____ for the office of _____ of the sanitary board of sanitary district

No. _____ to be voted for at the sanitary election to be held in sanitary district No. _____ of the county of _____ on the _____ day of _____, 191____, and I further certify that I am a qualified elector, residing within said district, and am not at this time a signer of any other petition nominating any other candidate for the above office, or in case there are several places to be filled in the above-named office that I have not signed more petitions than there are places to be filled in the above office.

(Signed) _____

STATE OF CALIFORNIA,

County of _____, ss:

_____ being first duly sworn, deposes and says: That he is one of the persons who signed the foregoing petition and that the signatures thereto are the genuine signatures of the persons whose names are signed thereto.

The certificate of nomination may be upon one or more papers, which certificate must contain the name of one candidate and no more.

Each signer must be a qualified elector, residing within said district, and must not at the time of the signing a certificate have his name signed to any other certificate for any other candidate for the same office, nor in case there are several places to be filled in the same office signed to more certificates for that office than there are places to be filled for that office. The certificate or certificates shall be verified under oath of one of the signers thereto, that the signature or signatures is, or are, the true and genuine signatures of the persons whose names are signed thereto.

A petition or petitions of nomination, as aforesaid, may be presented to the secretary of the sanitary board, where a sanitary district is already formed or to the county clerk, where a sanitary district has not been formed; not earlier than 30 days nor less than 20 days before the election. The secretary of the sanitary board, where a sanitary district is already formed or the county clerk, where a sanitary district has not been already formed, shall indorse thereon the date upon which the petition was presented to him. When a petition of nomination is presented for filing the secretary of the sanitary board, where a sanitary district is already formed, or the county clerk, where a sanitary district has not been formed, shall forthwith examine the same and ascertain whether or not it conforms with the provisions of this section. If found not sufficient, it shall be returned to the person who presented the same. The secretary of the sanitary board, or the county clerk, shall cause the ballots to be printed and shall contain the name of the candidates whose nomination petition or petitions have been filed as provided for herein.

SEC. 31. The sanitary board of any district heretofore organized under that certain act entitled "An act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting elections in such districts; the assessments, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds and the disposal of their proceeds," approved March 31, 1891, may submit to the electors thereof the question whether such district shall become organized under the provisions of this act. Notice that such question will be so submitted shall be given by posting for four successive weeks prior to the election in three public places within the district, and shall be published for four successive weeks prior to the election in a newspaper printed and published in the district if there be one, and if not, in a newspaper printed and published in the county. It shall be sufficient if the

notice be published once a week. Such notice shall distinctly state the proposition to be so submitted and shall invite the electors thereof to vote upon such proposition by placing upon their ballots the words "for reorganization," or "against reorganization," or words equivalent thereto, and there shall be a voting square to the right of and opposite each such proposition. At any time prior to the day fixed for the election the board shall select one and may select two polling places within the district and make all necessary and proper arrangements for holding the election. The election shall be conducted in accordance with the general election laws of the State, so far as the same shall be applicable except as herein otherwise provided. The votes so cast shall be canvassed by the sanitary board as soon as convenient after the election. If two-thirds of the votes cast at such election are in favor of reorganization then the board shall cause an entry of that vote to be made in its minutes. From and after the date of such entry the district shall be deemed to be organized under this act, with all the powers conferred herein; the persons in office at the time of such reorganization shall be entitled immediately to enter upon the duties of the like offices of the district as reorganized, and shall continue therein until the expiration of the term for which they have been elected or appointed.

SEC. 32. Any sanitary district organized under the provisions of section 31 of this act shall, for all purposes, be deemed and taken to be in law the identical district theretofore formed and existing; and such reorganization shall in no wise affect or impair the title to any property owned or held by such district, or in trust therefor, or any debts, demands, liabilities, or obligations existing in favor of or against such district or any proceedings then pending; nor shall the same operate to repeal or affect in any manner any ordinance theretofore passed or adopted and remaining unrepealed, or, to discharge any person from any liability, civil or criminal, then existing, for any violation of such ordinance; but such ordinances, so far as the same are [sic] in any conflict with general laws, shall be and remain in force until repealed or amended by competent authority: *Provided*, That proceedings theretofore commenced shall, after such reorganization, be conducted in accordance with the provisions of this act.

Public Health Nurses in Cities and Towns—Employment and Duties. (Ch. 135, Act May 5, 1919.)

SECTION 1. A new section is hereby added to the political code to be numbered 3062 and to read as follows:

3062. The board of trustees, council, or other corresponding board of any incorporated town or city of this State may employ one or more public health nurses, each of whom shall be a registered nurse possessing such qualifications as may, at the date of her employment, be prescribed by the State board of health. The public health nurse shall attend to such matters pertaining to the health and sanitary conditions of the town or city wherein she is employed as the board of trustees, council, or other corresponding board may from time to time assign to her, and shall receive such compensation as may be determined by said board.

Public Health Nurses in Counties—Employment and Duties. (Ch. 136, Act May 5, 1919.)

SECTION 1. A new section is hereby added to the political code to be numbered 4225a and to read as follows:

4225a. The board of supervisors in each county may employ one or more public health nurses, each of whom shall be a registered nurse possessing such quali-

cations as may at the date of her employment be prescribed by the State board of health. The public health nurse shall attend to such matters pertaining to the health and sanitary conditions of the county as the board of supervisors may from time to time assign to her, and shall receive such compensation as may be determined by said board.

Trained Attendants to Care for the Sick—Examination and Licensing. (Ch. 162, Act May 5, 1919.)

SECTION 1. The State board of health is hereby authorized to issue certificates to applicants to care for the sick as trained attendants and to formulate and issue rules and regulations from time to time as may be necessary for the proper conduct of the care of the sick by a trained attendant; to establish centers of training for trained attendants; to prescribe the course of instruction and length thereof, and to provide for an examination before a license may be issued.

SEC. 2. Any person applying for the certificate as trained attendant shall be at least 18 years of age, of good moral character, and, after one year from the passage of this act, shall have had not less than one year's practical experience in the care of the sick in a reputable hospital or sanatorium, connected with a school for trained attendants, and systematic instruction in the following subjects, namely: Anatomy and physiology, hygiene, diet for the sick, nursing care of the sick, including children and the aged, and obstetrics.

SEC. 3. *Provided*, That any person engaged in the practice of the care of the sick as a business or for hire as an attendant, practical or undergraduate nurse, or in any capacity other than a registered nurse, may be granted a certificate as a trained attendant without taking an examination, provided such application shall be made within one year of the passage of the act and that such application shall be accompanied by credentials of character and show extent of training and experience, and a license fee of \$5.

SEC. 4. On or after one year following the passage of the act all applicants for certificate as trained attendants shall be required to pass an examination, the fee for which will be \$5 and will in no case be returned to the applicant. Said examination will be practical in character and designed to ascertain the applicant's fitness to practice her calling, and will be conducted by a committee of three examiners appointed by the board and under such rules and regulations as may be prescribed by said board, and shall be held at least every six months. Due notice of said examination shall be published in not less than three daily papers of the State. The subjects on which applicants will be examined are elementary anatomy and physiology, hygiene, diet for the sick, nursing methods in the care of the sick, including children and aged people, obstetrics. The board shall issue to each applicant successfully passing this examination a certificate as provided for in this act.

SEC. 5. All persons who have been duly licensed in accordance with the provisions of this act shall be known and styled as trained attendants and may use the words "trained attendant" after their names.

SEC. 6. Any person who shall willfully make any false representation or who shall impersonate any other person or permit or aid in any manner any person to impersonate her in connection with any examination or application, shall be guilty of a misdemeanor. It shall be unlawful for any person to advertise as, or assume the title of trained attendant, or to use the words "trained attendant" after her name, or any other words, letters, or figures to indicate that the person using the same is a trained attendant, or to impersonate in any manner or pretend to be a trained attendant.

SEC. 7. The board shall have the power to revoke a license to any person for gross incompetency, dishonesty, addiction to the use of alcohol or narcotic drugs, or for any habit rendering him or her unsafe or unfit to care for the sick. Before revocation, notice of such charges shall be sent to the defendant with opportunity to appear in his or her own defense.

SEC. 8. Any person violating any of the provisions of this act shall be guilty of a misdemeanor and shall upon conviction be liable to a fine of not less than \$10 nor more than \$100 for the first offense, and not less than \$20 or more than \$200 for each subsequent offense.

SEC. 9. All accounts, collections, and fines made under the provisions of this act shall be paid into the State treasury and shall be placed to the credit of the traveling and contingent fund of the State board of health.

Pupils—Supervision of the Health and Physical Development of. School Buildings—Correction of Defects in. (Ch. 84, Act Apr. 22, 1919.)

SECTION 1. A new section is hereby added to the political code, to be numbered 1618a, and to read as follows:

1618a. *First*—Boards of school trustees, city and city and county boards of education are hereby authorized and empowered to provide for proper health supervision of the school buildings and pupils enrolled in the public schools under their jurisdiction. For this purpose, said boards may appoint a physical inspector or physical inspectors as the board may determine, to consist of a physician, teacher, nurse, oculist, or dentist, or any one or more of said persons: *Provided*, That in case of the appointment of more than one physical inspector, said inspectors may, in the discretion of the board, all be chosen from any one of the classes designated. Said board may also appoint a nurse or nurses to work under the direction of the physical inspector or inspectors and may provide for the compensation of such employees: *Provided*, That no money set aside for the payment of teachers' salaries or for library purposes may be used for this purpose.

Second—The qualifications of such employees shall be as follows: For a physician, an unrevoked certificate issued by the State board of medical examiners and a health and development certificate as hereinafter provided; for a teacher, a life diploma of California or a special credential in physical education, and a health and development certificate; for an oculist, a California certificate to practice medicine and surgery and a health and development certificate; for a dentist, a certificate issued by the State board of dental examiners of the State of California and a health and development certificate; for a nurse, a certificate of registration issued by the California State Board of Health and a health and development certificate.

Third—County or city and county boards of education are hereby authorized and empowered to grant health and development certificates to persons holding certificates to practice medicine and surgery issued by the California State Board of Medical Examiners; to persons holding California life diplomas and special credentials in physical education, issued by the State board of education; to persons holding certificates to practice dentistry issued by the California State Board of Dental Examiners; and to the holders of certificates of registration as nurses issued by the California State Board of Health when said applicant shall present with his certificate a credential from the State board of education showing special fitness and training for the work he is to do in the public schools.

Fourth—The board of school trustees of the city or city and county board of education shall make such rules for the examination of the pupils in the public schools under their jurisdiction as will insure proper care of the pupil

and proper secrecy in connection with any defect noted by the physical inspector or his assistant and may tend to the correction of such physical defect or defects: *Provided, however,* That a parent or guardian having control or charge of any child enrolled in the public schools may file annually with the principal of the school in which he is enrolled a statement in writing, signed by such parent or guardian, stating that he will not consent to the physical examination of his child, and thereupon such child shall be exempt from any physical examination, but whenever there is good reason to believe that such child is suffering from a recognized contagious or infectious disease, such child shall be sent home and shall not be permitted to return until the school authorities are satisfied that such contagious or infectious disease does not exist. When a defect has been noted by the physical inspector or his assistant, a report shall be made to the parent or guardian of the child asking such parent or guardian to take such action as will cure such defect or defects.

The physical inspector shall make such reports from time to time as he may feel is best to the board of school trustees or city board of education, or as the board may call for showing the number of defective children in the schools of the district and the effort made to correct such defects.

Fifth—In case the physical inspector shall note any defects in plumbing, lighting, heating, or other defects in the school building or buildings as may tend to make such building or buildings unfit for the proper housing of the children he shall at once make a detailed report to the board of trustees or the city board of education. If within 15 days after he has filed this report, he finds that the board has made no provision for the correction of the defect, he shall at once report the same to the county superintendent of schools who shall under the provisions of section 1546 of the political code proceed to have such defect corrected.

Sixth—The boards of school trustees or the city boards of education of two or more school districts in the same county may join in the employment of a physical inspector or physical inspectors, and may use funds not set aside for the payment of teachers' salaries or for library purposes for the expenses of such work. Such boards may employ a nurse or nurses under the direction of a physical inspector to examine the schools under their jurisdiction.

Seventh—No physician, oculist, dentist, nurse, or other person shall be employed or permitted to supervise the health and physical development of pupils under this section or any other provision of law unless such person holds a health and development certificate granted in accordance with the provisions of this section.

SEC. 2. An act entitled "An act to provide for health and development supervision in the public schools of the State of California," approved April 15, 1909, is hereby repealed.

Milk—Requirements for Grade B—Pasteurization. (Ch. 225, Act May 6, 1919.)

SECTION 1. Section 7 of an act¹ entitled "An act to prevent the sale of impure and unwholesome milk, butter, ice cream, and other milk products; to declare ice cream a milk product; to grade milk; to provide rules and regulations therefore, and to empower cities, groups of cities, counties and groups of counties, or cities and counties, to establish inspection service; to provide for the enforcement of this act; to prescribe penalties for violation of the provisions hereof; and to repeal an act entitled 'An act to prevent the sale of impure and

¹ Supplement 37 to Pub. Health Repts., p. 46.

unwholesome milk, to grade milk, to provide rules and regulations therefor, and to empower cities, groups of cities, counties and groups of counties, or cities and counties, to establish inspection service; to provide for the enforcement of this act; to prescribe penalties for violation of the provisions hereof; and to make an appropriation therefor," approved May 22, 1917, is hereby amended to read as follows:

SEC. 7. No person, firm or corporation shall sell or exchange, or offer or expose for sale or exchange, as and for grade B milk, any milk that does not conform to the following requirements as a minimum: It must be obtained from cows in no way unfit for the production of milk for use by man, as determined by physical examination at least once in six months by a qualified veterinarian under the supervision of the inspecting department. Before pasteurization such milk shall contain less than 1,000,000 bacteria per cubic centimeter. After pasteurization it shall contain less than 50,000 bacteria per cubic centimeter.

Milk for pasteurization must be kept at a temperature established by the inspecting department up to the time of delivery to the pasteurization plant and rapidly cooled after pasteurization to a temperature of 50 degrees Fahrenheit or below and so maintained to the time of delivery of the same. Pasteurization shall be by the holding method at a temperature not less than 140 degrees Fahrenheit: *Provided*, That milk for drinking purposes shall not be heated above 145 degrees Fahrenheit.

Such pasteurization plant shall be equipped with a self-registering device for record of the time and temperature of pasteurization. Such records shall be kept for two months and be available for inspection by any health department, the State veterinarian or any of his agents, or the State dairy bureau. Pasteurized milk shall be marked with the day of the week of pasteurization and must be delivered to the consumer within 48 hours thereafter. If milk is repasteurized, it must not be sold except as not suitable for human consumption: *Provided, however*, If graded, cream of any grade shall conform to all the standards set for milk of the same grade, except that the maximum bacterial count for cream shall be not more than three times as great as that of the corresponding grade of milk.

SEC. 2. Section 10 of said act approved May 22, 1917, is hereby amended to read as follows:

SEC. 10. Any person who violates any provision of this act or the rules made in accordance with section 11 of this act or who directs or knowingly permits an employee to violate any of said provisions or said rules, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$25 nor more than \$200, or by imprisonment in the county jail for not less than 10 days nor more than 60 days, or by both such fine and imprisonment.

Any firm, corporation, society or association which violates any of said provisions or of said rules shall be guilty of a misdemeanor and upon conviction shall be fined as above provided.

In the event an officer, director, manager or managing agent of any firm, corporation, society, or association violates any of the provisions of this act or the rules made in accordance with section 11 of this act or directs or knowingly permits any employee to violate any of said provisions or said rules, such officer, director, manager or managing agent shall be guilty of a misdemeanor and upon conviction thereof shall be punished by fine or imprisonment or both as above provided; and, in such case, the firm, corporation, society, or association shall also be guilty and upon conviction shall be fined

as above provided. One-half of all such fines shall be paid into the State treasury and placed to the credit of the general fund.

Imitation Milk—Manufacture, Sale, and Use. (Ch. 59, Act Apr. 16, 1919.)

SECTION 1. For the purposes of this act certain manufactured substances, certain mixtures, and compounds shall be known and designated as "imitation milk," namely: (a) Any mixture or compound composed of skim milk or condensed, evaporated, or powdered skim milk, and any edible oil or fat other than natural milk fat, whether with or without any other ingredient or ingredients; (b) any mixture or compound made in imitation or semblance, or having the appearance or semblance, of milk or condensed or evaporated milk, or when so made or having such appearance or semblance calculated or intended, whether by intent of the compounder or other person, or by reason of the appearance or other characteristic of the mixture or compound, for use or disposition as or for milk, or as or for condensed or evaporated milk, or to induce its purchase or use as or for milk or condensed or evaporated milk.

SEC. 2. No person by himself, his agents, or servants, shall render, manufacture, sell, offer for sale, expose for sale, or have in his possession with intent to sell or to use, or to serve to patrons, customers, boarders, or inmates of any hotel, dwelling house, restaurant, public conveyance, or boarding house any article, product, or compound made wholly or in part out of imitation milk: *Provided*, That nothing in this section shall be construed to prohibit the manufacture or sale under regulations hereinafter provided of imitation milk, of substances or compounds that may be used as imitation milk, of a separate and distinct character not resembling milk or condensed or evaporated milk, and in such a manner as will advise the purchaser and consumer of its real character, colored or containing ingredients that cause it to look unlike pure whole cow's milk or the condensed or evaporated product made therefrom: *And provided further*, It is not adulterated within the meaning of this act: *And provided further*, That nothing in this act shall be construed to prevent or prohibit the manufacture, sale, or use for cooking purposes of imitation milk as defined by section 1 of this act.

SEC. 3. Each person, who by himself, or another, lawfully manufactures any imitation milk, or any substitute that may be used as and substituted for milk or condensed or evaporated milk, shall mark the same by printing, stamping, or stenciling upon the top, if the top be of sufficient size and upon the sides of each case, box, carton, or other package, in which that article or substance shall be kept, and in which it shall be removed from the place where it is produced or put up in a clear manner, in the English language, the words, "imitation milk," in printed letters in plain roman type, each of which shall not be less than 1 inch in height and one-half inch in width, and in addition to the above shall prepare a statement, printed in plain roman type, of a size not smaller than pica, stating in the English language its name, and the name and address of the manufacturer, the name of the place where manufactured or put up, and also the name and actual percentages of the various ingredients used in the manufacture of such imitation milk; and shall place a copy of said statement within and upon the contents of each case, box, carton, or other package, and next to that portion of each case, box, carton, or other package as is commonly and most conveniently opened, and in addition thereto shall label each bottle, can, container, or other package containing imitation milk with the words "imitation milk" printed in black-face plain roman capital letters of a size not less than 12 point, and said words shall appear upon the main or principal label of said bottles, cans, containers, or other packages containing any imita-

tion milk, and in addition thereto said main or principal label shall contain or bear the words: "Not suitable for infant food," in plain legible type.

SEC. 4. Imitation milk, not condensed or evaporated, shall be deemed adulterated within the meaning of this act if it contains less than 3 per cent of edible fats, or oils, and imitation milk, if evaporated or condensed, shall be deemed adulterated within the meaning of this act if it contains less than 7.8 per cent of edible fats or oils.

SEC. 5. No keeper or proprietor of any bakery, hotel, boarding house, restaurant, saloon, lunch counter, or any place of public entertainment, and no person having charge thereof, or employee thereat, and no employer when such board is furnished as compensation, or part of the compensation of any employee, shall place before any patron or employee for use as food, any imitation milk, unless there shall be displayed in a prominent place in said bakery, hotel, boarding house, restaurant, saloon, lunch counter, or other place of public entertainment in each room where meats are served, a sign bearing the words: "Imitation milk used and served here," in black-faced letters and not less than 4 inches in length upon a white ground.

SEC. 6. No person, firm or corporation shall engage in the business or occupation of manufacturing, selling, dealing, or in furnishing imitation milk, without first having applied for and obtained a license so to do as hereinafter provided. Any person, firm or corporation dealing in or engaged in the business or occupation of manufacturing, selling, dealing in or furnishing to his, its or their patrons, imitation milk, as in this act defined, shall first make application each year to the State dairy bureau for a license, and upon payment of license fee of the amount mentioned herein to the State dairy bureau, said bureau shall issue to the applicant a license. All such licenses shall contain the following proviso: *Provided*, That this license does not authorize the holder thereof to manufacture, sell, deal in or furnish any imitation milk and similar substances that may be used as a substitute for milk or condensed or evaporated milk which resembles in appearance pure whole cow's milk, or the condensed or evaporated product made therefrom. All such licenses shall expire on June 30 of each year, and may be issued in periods of one year or less than one year, on payment of a proportionate part of the license fee: *Provided*, That no license shall be issued for a period of less than three months. The fee for issuing said license to said manufacturers of any of the said substances within this State shall be \$100; for issuing to wholesale dealers in, or importers or agents for importers, of any of said substances the fee shall be \$50; for issuing to retail dealers in any of said substances the fee shall be \$5; and for issuing to the keeper of any hotel, restaurant, boarding house, and any other place where meals are served and payment is received therefor, either immediately or by the day, week or month, the fee shall be \$2. The term "wholesale dealer" as used in this section includes all persons, firms or corporations who sell any of said substances in quantities of one full case or more at a time or in the same transaction. The term "retail dealer" includes all persons who sell only in quantities of less than one case. All licenses while in force shall be kept conspicuously displayed in the places of business of the party or parties to whom they have been issued.

It shall be unlawful for any person, firm or corporation to manufacture, buy, sell, deal in or furnish to his, its or their patrons, or to have in their possession, for any purpose whatsoever other than for consumption in his own family, or for transportation in case of a boat or railroad company, or for the purpose of storage in the case of a warehouse or cold storage company, any imitation milk or similar substance designed to be used as a substitute for milk or for condensed or evaporated milk without having first applied for and obtained

from the State Dairy Bureau of the State of California a license herein required.

SEC. 7. Any person, firm or corporation found guilty of violating any of the provisions of this act shall be punished by a fine of not less than \$50 nor more than \$500, or by imprisonment in the county jail for not less than 30 days nor more than 6 months, or by both such fine and imprisonment.

SEC. 8. It shall be the duty of the State dairy bureau, now existing under the laws of this State, to enforce the provisions of this act: *Provided*, That nothing in this act shall be construed to prevent any city or county or State board of health or other city or county official from enforcing the provisions of this act.

Milk and Cream Containers—Marking, Cleanliness, and Handling. Assembled Dairy Products—Production and Labeling. (Ch. 190, Act May 5, 1919.)

SECTION 1. A new section is hereby added to an act entitled "An act to prevent the manufacture or sale of dairy products from unhealthy animals, or that are produced under unsanitary conditions; to prevent deception or fraud in the production and sale of dairy products, and in the manufacture and sale of renovated butter and oleomargarine; to license the manufacture and sale of renovated butter and oleomargarine; to regulate the business of producing, buying and selling dairy products, oleomargarine, renovated or imitation butter and cheese; to provide for the enforcement of its provisions and for the punishment of violations thereof, and appropriating money therefor and to repeal section 17 of an act approved March 4, 1897, entitled 'An act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor,' and to repeal all acts and parts of acts inconsistent with this act," approved April 21, 1911, as amended, to be numbered 30a, and to read as follows:

SEC. 30a. The following rules and standards must be observed by all persons, firms, or corporations engaged in the preparation of dairy products for market or delivery thereto:

(1) The owner's name, or other identification mark, the nature of which shall be made known to the dairy inspectors shall appear permanently and in conspicuous place on or be attached to every milk or cream bottle, can, or container.

(2) All milk, cream and ice-cream cans, bottles, and containers shall be kept clean and shall be thoroughly washed and sterilized after each using.

SEC. 2. A new section is hereby added to the said act, approved April 21, 1911, as amended, to be numbered 30b and to read as follows:

SEC. 30b. All carriers of dairy produces, whether producer, gratuitous private carrier other than the producer, private carrier for hire, or common carrier, in transporting milk and cream shipping containers shall observe and maintain the following standard:

(1) All cars or other vehicles, while hauling milk or cream, shall be kept clean and all containers shall be so covered as to protect the milk or cream at all times from dust and from the rays of the sun.

(2) All milk or cream cans or other shipping containers, while containing milk, cream, or other dairy products, shall be handled carefully, and kept right end up.

(3) Every vehicle, railway car or boat in which milk or cream is transported shall be kept in a sanitary condition. Every vehicle and every boat transporting milk or cream either shall be inclosed or shall provide canvas covering to protect the milk and cream at all times from the sun or from the outside

warm air, except only while taking on or discharging freight. No fowls, fresh meat or other contaminating things shall be kept or carried on top or in close proximity to milk, cream, or other dairy products.

(4) No milk or cream and no empty cans, bottles or other containers shall be hauled in any vehicle for hauling manure or garbage or in any other unclean vehicle, car or boat.

(5) Nothing herein shall be construed to derogate from any powers or authority of the Railroad Commission of the State of California.

SEC. 3. A new section is hereby added to said act, approved April 21, 1911, as amended, to be numbered 30c and to read as follows:

SEC. 30c. Persons producing or marketing assembled dairy products must conform to the following rules: All the ingredients used in the process of assembling must conform to all the standards of purity set for such ingredients and must have been produced under the same sanitary conditions and regulations required for the production of milk and cream where such products are sold, and such products must be labeled as herein provided for assembled products in imitation of milk, cream and ice cream.

All assembled dairy products to which has been added any condensed or evaporated milk, or any condensed or evaporated skimmed milk, or any dry milk or milk powder or any skimmed milk or skimmed powder or any butter or sweet butter or dairy products that have been produced by the mechanical assembling of any of the natural ingredients of milk or cream, shall be so labeled on each container thereof with the words "Assembled from milk, butter, milk powder, skim milk or other milk products," as the case may be, correctly naming on the label, bill of sale, invoice, and bill of fare, all the ingredients used in such assembled goods in plain letters of the English language at least one-eighth of an inch in height; and no other names or prefixes shall be used than those by which such ingredients are separately known to the commercial trade.

SEC. 4. A new section is hereby added to said act approved April 21, 1911, as amended, to be numbered 30d and to read as follows:

SEC. 30d. Any person who violates any provision of section 30c of this act or who directs or knowingly permits an employee to violate any of said provisions, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$25 nor more than \$200, or by imprisonment in the county jail for not less than 10 days nor more than 60 days, or by both such fine and imprisonment.

Any firm, corporation, society, or association which violates any of said provisions shall be guilty of a misdemeanor, and upon conviction shall be fined as above provided.

In the event an officer, director, manager, or managing agent of any firm, corporation, society, or association violates any of the provisions of section 30c of this act, or directs or knowingly permits any employee to violate any of said provisions, such officer, director, manager, or managing agent shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by fine or imprisonment or both, as above provided; and, in such a case, the firm, corporation, society, or association shall also be guilty, and upon conviction shall be fined as above provided. One-half of all such fines shall be paid into the State treasury and placed to the credit of the general fund.

Food and Liquor—Standard of Purity—Procedure When Act is Violated. (Ch. 161, Act May 5, 1919.)

SECTION 1. Section 3 of an act entitled "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods

and liquors, and regulating the traffic therein, providing penalties, establishing a State laboratory for foods, liquors and drugs, and making an appropriation therefor," approved March 11, 1907, as amended, is hereby amended to read as follows:

SEC. 3. The standard of purity of food and liquor shall be that published in Circular No. 19, the food inspection decisions and the service and regulatory announcements of the Bureau of Chemistry of the United States Department of Agriculture. Nothing in this section contained shall authorize or permit any adulteration of any food or liquor because the standard of purity of such food or liquor shall not be proclaimed by the Secretary of the United States Department of Agriculture.

SEC. 2. Section 16 of said act is hereby amended to read as follows:

SEC. 16. When an examination or analysis of the directors of the State laboratory shows that any provisions of this act have been violated, notice of that fact, together with a copy of the certificate of the findings, shall be furnished to the party or parties from whom the sample was obtained, or who executed the guaranty, as provided in this act, and a day shall be fixed by the secretary of the State board of health, at which said parties may be heard before the State board of health, or before any two members thereof and the secretary. The hearing shall be held at such place as the State board of health or its secretary may designate, and at least 15 days notice thereof shall be served upon the party complained of. These hearings shall be private and confined to questions of fact. Parties interested therein may appear in person or by attorney and may propound interrogatories and submit oral or written evidence to show any fault or error in the findings made by the director of the State laboratory. If the examination or analysis be found correct, or if the party or parties fail to appear at such hearing, after notice duly given as provided herein, the secretary of the State board of health shall forthwith transmit a certificate of the facts so found to the district attorney of the county in which said adulterated, mislabeled or misbranded food was found. No publication as in this act provided shall be made until after said hearing is concluded.

Sulphur for Sulphuring Fruits or Other Foods—Regulation of Sale and Use. (Ch. 189, Act May 5, 1919.)

SECTION 1. No person, firm, company, or corporation shall sell, offer for sale, or keep for sale sulphur, containing more than 10 parts per 1,000,000 of arsenic oxide (As_2O_3) for the purpose of sulphuring fruits or other foods.

SEC. 2. For the purposes of this act the term "sulphur for sulphuring fruits or other foods" shall be construed to mean sulphur which contains not more than 10 parts per 1,000,000 of arsenic oxide (As_2O_3).

SEC. 3. No person, dealer, jobber, firm, company, or corporation shall sell, keep for sale, or offer for sale sulphur for sulphuring fruits or other foods which contains more than 10 parts per 1,000,000 of arsenic oxide (As_2O_3). Every package, parcel, bag, or container of sulphur for sulphuring fruits or other foods shall be labeled or tagged, and said label or tag shall contain the words in bold-faced type, not less than one-fourth inch in height, "Sulphur for sulphuring fruits or other foods." Said label or tag shall also contain the name and address of the person, firm, company, or corporation which manufactures, prepares, or packs the sulphur.

SEC. 4. No person, firm, company, or corporation shall use sulphur containing more than 10 parts per 1,000,000 of arsenic oxide (As_2O_3) for the purpose of sulphuring fruits or other foods.

SEC. 5. Any person, firm, company, or corporation which violates any provision of this act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$5 nor more than \$500, or shall be imprisoned in the county jail for a term not exceeding six months, or by both such fine and imprisonment.

SEC. 6. The State board of health is hereby empowered to enforce the provisions of this act and to prescribe the form of tags or labels to be used, and to prescribe and enforce such rules and regulations as it may deem necessary to carry into effect the full intent and meaning of this act.

Water Supplies—Prevention of Pollution—Analyses—Cross Connections.
(Reg. Bd. of H., Nov. 1, 1919.)

Whereas there exists or may exist a danger to the health of employees and the public due to the use of unsafe private sources of water supply or private sources of supply not under laboratory control for drinking and domestic supply purposes, and whereas the danger to the public is intensified according to the extent of cross connection between lines carrying a safe public water supply at relatively low pressure and private lines carrying a potentially unsafe supply at high pressure: Therefore be it

Resolved, That (1) the attention of employers be called to their obligations under "An act" to require employers of labor to furnish * * * pure drinking water to their employees during working hours," approved May 24, 1915, and that they accordingly keep themselves informed of the quality of such water by inspection and laboratory control analyses.

(2) There shall be no physical connection between such a private source of supply or system and a public water system.

(3) Water companies or municipalities now or in future furnishing water for domestic purposes, regardless of whether an unrevoked domestic water supply permit from the State board of health is held, shall be held responsible to its consumers for pollution of the public system by violations of section (2) and shall forbid service to premises maintaining cross connections which may pollute the public system, or shall prevent the pollution of the public system by other means acceptable to the State board of health. Violations shall constitute sufficient grounds for revoking any domestic water supply permit.

(4) In pursuance of these purposes, the secretary of the State board of health may deputize employees of water companies or municipalities as inspectors of the State board of health.

(5) City officials and health officers shall be urged to investigate from time to time, by inspections and laboratory control, the condition of safety of private sources of supply.

Births, Deaths, and Marriages—Registration. (Ch. 273, Act May 16, 1919.)

SECTION 1. Section 3 of an act¹ entitled "An act to provide a central bureau for the preservation of records of marriages, births and deaths, and to provide for the registration of all births and deaths; the establishment of registration districts under the superintendence of the State bureau of vital statistics; the issuance and registration of burial and disinterment permits and certificates of births and deaths; the appointment of State and local registrars of vital statistics; to prescribe the powers and duties of registrars, coroners, physicians,

¹ Pub. Health Repts. Reprint 338, p. 50.

² Pub. Health Repts. Reprint 338, p. 56.

undertakers, sextons, and other persons in relation to such registration and to fix penalties for violation of this act; to create the offices of State and local registrars of vital statistics, to provide for the salary and fees of same; to repeal all acts and parts of acts in conflict herewith," approved May 19, 1915, as amended, is hereby amended to read as follows:

SEC. 3. For the purposes of this act the State shall be divided into registration districts as follows: Each city and county, or city and incorporated town having at least 5,000 inhabitants at the Federal census, shall constitute a primary registration district; and each county, exclusive of the cities and incorporated towns therein having at least 5,000 inhabitants at the last Federal census may be subdivided by the State registrar into a sufficient number of primary rural registration districts, the boundaries of which he shall define and which he may alter, combine, or subdivide from time to time as may be necessary to promote efficient and convenient registration of all births and deaths.

SEC. 2. Section 4 of said act is hereby amended to read as follows:

SEC. 4. The clerk of each city and incorporated town having at least 5,000 inhabitants at the last Federal census shall be the local registrar in and for such primary registration district and shall perform all such duties of local registrar as hereinafter provided: *Provided, however,* That in cities and counties and cities having a freeholders' charter the health officer shall act as local registrar and perform all the duties thereof. The State registrar, subject to the approval of the State board of health or its secretary, shall appoint a local registrar for each primary rural district, whose term of office shall be four years, and whom the State registrar may remove forthwith for failure or neglect to perform his duty as prescribed by this act. Each local registrar, besides transmitting to the State registrar each original birth and death certificate registered by him, and besides retaining a complete and accurate copy of each such birth and death certificate for the local record of his district, as required by section 19 of this act, shall also transmit to the recorder of the county for a special county record a complete and accurate copy of each original birth and death certificate transmitted by said local registrar to the State registrar: *Provided,* That the health officer of a city and county when acting as local registrar shall not be required to transmit copies of birth or death certificates to the county recorder thereof: *And provided further,* That in accordance with sections 3076, 3078, and 3079 of the political code, the county recorder shall be the sole local registrar for marriages performed anywhere in the county. Each local registrar shall immediately appoint a deputy in writing, whose duty it shall be to act in his stead in case of his absence or disability; and such deputy shall, in writing, accept such appointment and be subject to all rules and regulations governing local registrars. And when it appears necessary for the convenience of the people in any registration district, the local registrar is hereby authorized, with the approval of the State registrar, to appoint one or more suitable persons to act as subregistrars, who shall be authorized to receive certificates and to issue burial or removal permits in and for such portions of the district as may be designated; and each subregistrar shall note on each certificate, over his signature, the date of filing, and shall forthwith forward all certificates to the local registrar of the district, and in all cases before the third day of the following month: *Provided,* That each subregistrar shall be subject to the supervision and control of the State registrar, and may be by him removed for neglect or failure to perform his duty in accordance with the provisions of this act or the rules and regulations of the State registrar, and shall be subject to the same penalties for neglect of duty as the local registrar.

SEC. 3. Section 5 of said act is hereby amended to read as follows:

SEC. 5. The body of any person whose death occurs in this State, or which shall be found dead therein or which shall be brought from outside the State, shall not be interred, deposited in a vault or tomb, cremated, disinterred or otherwise disposed of, or removed from or into any registration district, or be temporarily held pending further disposition more than five days after death, unless a permit for burial, removal, or other disposition thereof shall have been properly issued by the local registrar of the registration district in which the death occurred or the body was found, or by the county recorder of the county where said district is located, and it shall be the duty of said county recorder to mail within 24 hours the original death certificate to said local registrar: *Provided*, That nothing in this act shall be construed to prevent an undertaker from removing a body from the registration district where the death occurred or the body was found to another registration district in the same or an adjoining county in an undertaker's conveyance for the purpose of preparing said body for burial or shipment. A removal permit must be secured within 48 hours and before embalming the body. No body where death occurred from any disease held by the State board of health to be infectious, contagious, or communicable and dangerous to the public health shall be removed without first securing a removal permit in the manner provided in section 19 of this act. And no such burial or removal permit shall be issued by any registrar until, wherever practicable, a complete and satisfactory certificate of death has been filed with him as hereinafter provided: *Provided*, That when a dead body is transported from outside the State into a registration district in California for burial, the transit or removal permit, issued in accordance with the law and health regulations of the place where the death occurred, shall be accepted by the local registrar of the district into which the body has been transported for burial or other disposition, as a basis upon which he may issue a local burial permit, noting upon the face of the burial permit the fact that it was a body shipped in for interment, and giving the actual place of death; and no local registrar shall receive any fee for the issuance of burial or removal permits under this act other than the compensation provided in section 20.

SEC. 4. Section 21 of said act is hereby amended to read as follows:

SEC. 21. The State or local registrar shall forthwith upon request supply to any applicant, a certified copy of the record of any birth or death or marriage registered under provisions of this act, for the making and certification of which he shall be entitled to a fee of 50 cents, to be paid by the applicant. And any such copy of the record of a birth or death or marriage when properly certified by the State or local registrar to have been so registered within a period of one year from the date of the event, shall be prima facie evidence in all courts and places of the facts therein stated. For any search of the files and records when no certified copy is made the State registrar or local registrar shall be entitled to a fee of 50 cents for each hour or fractional hour of time of search, such fee to be paid by the applicant. The State registrar shall keep a true and correct account of all fees by him received under these provisions, and such money so received by the State registrar shall be deposited with the State treasurer, who shall credit the amount to the fund provided and to be used for the payment of the traveling and contingent expenses of the State board of health, and the money so collected by the local registrar shall be paid by him into the county or city treasury, as the case may be: *Provided*, That the local registrar shall, upon request of any parents or guardian, supply, without fee, a certificate limited to a statement as to the date of birth of any child when the same shall be necessary for admission to school, or for the purpose of securing employment: *And provided further*, That the United States Census

Bureau may obtain, without expense to the State, transcripts of births and deaths without payment of the fees herein prescribed.

(b) If, upon such search, it shall develop that for any cause any birth or death or marriage occurring in this State was not registered in conformity with the provisions of law in effect at the time when such birth or death or marriage occurred by the filing of the certificate therefor with the local registrar within a period of one year from the date of the event, any person beneficially interested in establishing of record the fact of such birth or death or marriage may petition the superior court of the county in which such birth or death or marriage is alleged to have occurred for an order judicially establishing the fact of such birth or death or marriage. Such petition shall be verified and shall contain all the data necessary to enable the court, upon hearing the same, to determine the fact of such birth or death or marriage upon the proofs adduced in behalf of the petitioner at the hearing thereof. A copy of such petition shall be served upon the local registrar of vital statistics, and also upon the district attorney of the county in which such birth or death or marriage is alleged to have occurred, and either of said officials shall have the right in his discretion to appear at such hearing and oppose the making of such order. Such hearing shall be had at such time as the court may appoint, not less than 10 days subsequent to the date of filing such petition, and notice thereof must be given by publication for the same time and in the same manner required by law to be given prior to the hearing of the petition for the admission to probate of any will, or the issuance of letters testamentary or of administration thereon.

If, upon such hearing, the proofs of the allegation of the petition are established, to the satisfaction of the court, the court may make an order determining that such birth, death, or marriage did in fact occur in such county and at the time shown by the proofs adduced upon such hearing.

Such order must be made in the form and upon the blank prescribed and furnished by the State registrar and but one birth, death, or marriage may be included therein. And said order shall become effective upon the filing of a certified copy thereof with the local registrar of vital statistics, and the delivery therewith for transmittal to the State registrar of a standard certificate containing such facts and signatures as are obtainable, and upon the filing of a certified copy of said order with the State registrar.

Death Certificates—Correction of Errors on. (Ch. 650, Act May 27, 1919.)

SECTION. 1. Section 13 of an act entitled "An act to establish a State board of embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious disease, regulating the practice of embalming in connection with the care and disposition of the dead and providing penalties for the violation thereof," approved April 16, 1915, is hereby amended to read as follows:

SEC. 13. Whenever it may be alleged that the facts are not correctly stated in any certificate of death theretofore registered, the local registrar shall require an affidavit under oath to be made by the person asserting the fact, to be supported by the affidavit of one other credible person having knowledge of the facts, setting forth the changes necessary to make the record correct. Having received such affidavits, the local registrar shall file them and shall then draw a line through the incorrect statement or statements in the certificate, without erasing them, and make the necessary corrections, noting on the margin of the certificate his authority for so doing, and transmit the affidavits, attached to the original certificate, when making his regular monthly returns to the State registrar. If the correction relates to a certificate previously returned to the

State registrar, the local registrar shall transmit the affidavit forthwith to the State registrar. If the correction is first made upon the original certificate on file in the State bureau of vital statistics, the State registrar shall transmit a certified copy of the original certificate, corrected as above, to the local registrar, who shall thereupon substitute such certified copy for the copy of the certificate in his records. All such corrections and marginal notes referring to them shall be legibly written in ink, typewritten or printed. * * *

Dead Bodies—Removal. (Ch. 362, Act May 19, 1919.)

SECTION 1. Section 10 of an act entitled "An act to provide a central bureau for the preservation of records of marriages, births, and deaths; the establishment of registration districts under the superintendence of the State bureau of vital statistics; the issuance and registration of burial and disinterment permits and certificates of births and deaths; the appointment of State and local registrars of vital statistics; to prescribe the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration and to fix penalties for violation of this act; to create the office of State and local registrars of vital statistics, to provide for the salary and fees of same; to repeal all acts and parts of acts in conflict herewith," approved May 19, 1915, as amended, is hereby amended to read as follows:

SEC. 10. The removal of a dead body from one registration district to another must be accompanied by a yellow transit paster prepared according to a form prescribed by the State board of embalmers and approved by the State board of health.

Sewers, Water Mains, Etc.—Construction and Maintenance Jointly by Municipalities or Sanitary Districts. (Ch. 109, Act May 5, 1919.)

SECTION 1. Section 4 of an act entitled "An act authorizing municipal corporations to permit other municipal corporations to construct and maintain sewers, water mains, and other conduits therein, also to construct and maintain sewers, water mains, and other conduits for their joint benefit, and at their joint expense, and to make and enter into contracts for said purposes," approved March 22, 1909, is hereby amended so as to read as follows:

SEC. 4. Whenever the city councils, sanitary boards, or other legislative bodies of two or more municipal corporations, two or more sanitary districts, or one or more municipal corporations, and one or more sanitary districts, shall by resolutions adopted by them determine and declare that it will be for the interest or advantage of such municipal corporations or sanitary districts to do so, such municipal corporations or sanitary districts, by their respective councils, sanitary boards, or other legislative bodies, may enter into a joint agreement authorizing and providing for the joint construction and maintenance of sewers, water mains, or other conduits situated in the streets or other public places of either or any of such municipal corporations or sanitary districts, including the joint construction and maintenance of all necessary outfall sewers, whether constructed within or outside of the exterior boundaries of such municipal corporations or sanitary districts, and by such joint agreement shall provide for the joint payment of the cost and expense of and for the joint use, benefit, and maintenance of all such sewers, outfall sewers, water mains, and other conduits, upon such terms and conditions, and under such regulations, as may be approved by the city councils, sanitary boards, or other legislative bodies of all such municipal corporations or sanitary districts; and the city council, sanitary board, or other legislative body of each such

municipal corporation or sanitary district may, and are hereby vested with power to, bind and obligate such municipal corporations or sanitary districts to pay such proportionate part of the cost of the construction of such sewer, outfall sewer, water mains, or other conduits, at such times and in such installments as may be provided for in such joint agreement. All contracts for the construction of sewers, outfall sewers, water mains, or other conduits under the provisions of this section shall be made and entered into by the one of such municipal corporations or sanitary districts designated by the city councils, sanitary boards, or other legislative bodies of all such municipal corporations or sanitary districts, and in the manner provided in section 3 of this act. Two or more municipal corporations, two or more sanitary districts, or one or more municipal corporations, and one or more sanitary districts, may also, by their city councils, sanitary boards, or other legislative bodies, enter into an agreement or agreements with each other for the joint use by such municipal corporations or sanitary districts, of any sewers, outfall sewers, water mains, or other conduits theretofore constructed in whole or in part in the streets or other public places of either or any such municipal corporations or sanitary districts, upon such terms and conditions as they by mutual agreement may by their respective city councils, sanitary boards, or other legislative bodies determine to be proper. Authority is hereby specifically granted to use the streets within the public corporations entering into such an agreement for the construction and maintenance of sewers provided for by this section, and whenever it is necessary to extend such sewers without the limits of the public corporations entering into such joint or mutual agreement then authority is hereby granted to use public highways without the limits of an incorporated city for the construction and maintenance of such sewers, subject only to the right of the board of supervisors to make reasonable police regulations for the protection of the highways so used.

SEC. 2. A new section is hereby added to the said act approved March 22, 1909, to be numbered 5 and to read as follows:

SEC. 5. Whenever any municipal corporation or sanitary district shall enter into a joint agreement for the joint construction and maintenance of sewers, outfall sewers, water mains, or other conduits, as provided for in section 4 of this act, then the proportionate part of the cost and expense of the construction and maintenance of such sewers, outfall sewers, water mains, or other conduits required to be paid by such municipal corporation or sanitary district, as provided for in the joint agreement entered into by any such municipal corporation or sanitary district, may be raised by any means provided by law including the issuance and sale of the bonds of such municipal corporation or sanitary district.

SEC. 3. A new section is hereby added to the said act approved March 22, 1909, to be numbered 6 and to read as follows:

SEC. 6. Whenever, in the construction of any sewer, outfall sewer, water main, or other conduit authorized or provided for by this act it shall become necessary to take or damage private property, all such property necessary may be condemned and taken by appropriate action under the right of eminent domain. Such action shall in all respects be subject to and governed by the code of civil procedure relating to eminent domain: *Provided*, That all such actions may be brought by and in the name of the one of the municipal corporations or sanitary districts designated by all of the municipal corporations or sanitary districts which have entered into such joint agreement for the construction thereof.

Public Health Work—Counties and Municipalities May Contract with Each Other to Secure Performance of. (Ch. 108, Act May 5, 1919.)

SECTION 1. A new section is hereby added to the political code to be numbered 4225a, and to read as follows:

4225a. The board of supervisors of any county wherein a county health officer has been appointed under the provisions of section 4225 of the political code shall have power to contract with any incorporated city or town or chartered city within such county, and such incorporated city, town, or chartered city therein, through its board of trustees, council, or other legislative body, shall have power to contract with such county for the performance by health officers or other employees of health departments of any or all functions relating to public health. Whenever such contract has been duly entered into, the county health officer and his deputies shall thereupon exercise the same powers and duties within such city or town or chartered city as are conferred upon health officers thereof by State law and local ordinance within such city or county. In any such contract the city, town, or chartered city shall have power and authority to provide for the payment by such incorporated city or town or chartered city to the county of such consideration as may be agreed upon, the same to be paid to the county treasurer of the county.

The board of supervisors of any county may contract with any incorporated city or town or chartered city within such county, through its board of trustees, council, or other legislative body, to secure the performance by the health officer or other health department employees of such city, town, or chartered city, or in any unincorporated territory adjacent thereto, of any or all functions relating to public health. Payment for said services in such unincorporated territory shall be made by the county to the city treasurer of such city or town or chartered city.

Said contracts may further provide for the care and support, including medical attendance, of indigent sick, and for compensation therefor.

**Public Swimming Pools and Appurtenances—Construction and Operation.
(Reg. Bd. of H., Aug. 2, 1919.)**

RULE 1. *Safety of pool water.*—All the water in the pool and applied to the pool shall be continuously safe hygienically. As a tentative standard a total bacterial count of 1,000 colonies per cubic centimeter on agar incubated at 37.50° C. and a *B. coli* count of 1 per cubic centimeter is set for the pool water in any part of the pool, examined within 48 hours after sampling. All tests are to be made in accordance with the latest methods of the American Public Health Association.

Note.—Tests will be made at the laboratory of this bureau on request for sample bottles.

The suggestion is offered that the requirements of this rule can be met by any of the following methods and perhaps others, in order of preference:

(a) Continuous addition of new water in amount to supply each bather with perhaps 800 to 2,000 gallons per swim. The figure varies greatly with the concentration in the pool, class of patronage, care in enforcing showers, and general sanitary surroundings, and can not be established except by trial.

Pools in which the entire pool is emptied nightly may meet this standard, but pools in which the water is held for a longer period can not meet it without disinfection, as discussed in (b) and (c).

Under ordinary circumstances, where the water supply is purchased and heated, the dilution method is costly and likely prohibitive.

(b) Recirculating method, whereby the contents of the pool are pumped from the pool, disinfected, and returned to the pool. It appears necessary that the pump have a capac-

ity sufficient to pump out all the pool contents in 6 to 10 hours, and that if liquid chlorine or equivalent be used a dose of 2 to 5 pounds per 1,000,000 gallons is needed, basing the dose on the pump capacity and not on pool contents. The dose needed and circulating period vary with the clearness of the pool water, patronage, etc. It is important that this method be used at least throughout the bathing day and on heavy days a longer period.

Other methods of disinfection have been advanced, e. g., ozonation, ultra violet ray, electrolytic generation of chlorine, etc., but no installations have come to our attention, and indorsement is necessarily withheld.

(c) Intermittent application of disinfecting solutions direct to the pool morning or evening or both. A solution of hypochlorite of lime (known also as bleaching powder or chloride of lime) may be used, or any solution containing the same active ingredient. In all cases fresh material having a strength measured as available chlorine sufficient to dose the pool with 2 to 5 pounds of available chlorine per 1,000,000 gallons is essential. Ordinary chloride of lime runs about 25 per cent available chlorine. The available chlorine in the special preparations may be obtained from the maker or dealer, or it will be determined here if representative samples are submitted. With ordinary chloride of lime, 1.5 pounds of the dry powder per 100,000 gallons in the pool is a good average dose. Care must be taken to first emulsify the material into a creamy paste and then dilute into a watery solution of at least 1 pound in 5 gallons of water, and to strain out through cheesecloth or equivalent all particles before using. It should be used shortly after preparation on account of deterioration. A good means of application is spraying or splashing over the whole surface of the pool.

(d) Copper sulphate is sometimes used, but it is a weak germicide, and if used in sufficient amount gives the pool a milky appearance. Its use is highly recommended for algae control but not for disinfection.

RULE 2. Clearness and cleanliness of pool water.—All the water in the pool shall be continuously clean, and clear enough that bathers may be distinctly seen on the bottom of all parts of the pool. It shall be free of noticeable suspended or floating objects or particles, scum, or sputum.

Note.—This requirement may be met by any of the following methods:

(a) Continuous inflow of new water. The management is expected to determine for itself what amount of new water is needed to meet the requirement by this method.

(b) Fill and draw method. The pool should be drained and refilled as often as the requirement demands.

(c) Recirculation method, whereby the pool contents are pumped from the pool, filtered with or without the use of a coagulating chemical as needed, and returned to the pool. It appears necessary that the pump have a capacity to recirculate all the pool contents in 6 to 10 hours, although it is advised that in new systems the piping at least be designed on a basis of recirculation in four hours to meet possible increase in the standards of swimming-pool sanitation.

Filters should be designed on the basis of 2 gallons per square foot per minute capacity, and it is highly desirable that facilities be left for the addition of filter alum prior to filtration. Filters may be of the pressure or open type, the latter preferred. Coagulating basins of a holding capacity of one hour's flow are advised ahead of the filters, also that the pump be ahead of the filter, and rate-of-filtration controllers be used. Alum solution tanks are preferable to the "alum pot."

Copper-sulphate treatment is an important adjunct of this method, especially in outdoor pools or pools exposed to much sunlight where algae or moss grows. The dose needed varies with the kind of organisms present, but ordinarily 0.5 pound per 100,000 gallons is sufficient. It is customary to apply this chemical direct to the pool by dragging it back and forth in narrow lanes about 5 feet apart until dissolved, and also around the edge. It should be used at the end of the day once or twice a week, as needed. It imparts a slight milkiness which, however, settles out in a few hours.

RULE 3. Materials, surfaces, depths of pool, sidewalks.—The pool walls shall be vertical, and walls, floors, and surrounding walks shall be surfaced with white tile, cement (white or gray), or other impervious material, with as smooth a surface as each use permits, for easy cleansing. The swimming pool floors shall not slope more than 1 foot in 20 feet where the depth of water is less than 6 feet. Depth opposite diving stands and springboards shall be at least 8 feet 6 inches.

The entire pool shall be surrounded by a raised concrete curb at least 2 inches high by 12 inches wide, serving as a clean space on which bathers may sit and as a check against walk drainage flushing into the pool. Walks may slope toward or away from this curb to a grating covered drain channel, or drain outlets on the walk. Walks shall be at least 4 feet wide in the clear. They shall slope at least one-half inch per foot toward the drains. All corners shall be rounded for ease in cleaning.

RULE 4. Inlet and outlet.—An arrangement of inlets and outlets giving the maximum uniformity of displacement of "used" by "incoming" water, and the maximum avoidance of short circuits or "dead" areas shall be used. Where a type of inlet consisting of a series of inlets scattered along one side of the pool, not more than 10 feet apart, and outlets similarly scattered on the opposite side, are not used, it must be with the specific approval of the State board of health.

Note.—The use of fountains and the omission of scattered outlets, using instead the scum gutter as an outlet, may, under certain cases of abundant water supply, be proper.

RULE 5. Scum gutter.—A scum gutter on all four sides of the pool, recessed into the side wall and designed to prevent bathers from having easy access with fingers, hands, arms, feet, or bodies, shall be provided. Drainage facilities from such gutters shall be of such size and spacing that all overflows and splash shall be promptly carried away into a sewer and not returned to the pool or circulating system. Gutters or drains along the top or side of the wall, open and accessible to bathers, will not be permitted.

RULE 6. Disposal of gutter drainage.—Gutter drainage, wash water from filter, and emptyings from the pool shall be considered as sewage water and shall be disposed of accordingly, as prescribed in chapter 600.

RULE 7. Sand beaches, etc.—Sand beaches, earth walks, board walks, lawns, and the like, which may contribute contamination or objectionable filth to the pool or its premises, shall not be permitted.

Spectators and persons not dressed for bathing shall not be allowed on the walks used by bathers, and bathers who leave the premises and return with suits or bodies soiled by sand, earth, or objectionable contamination shall not be permitted to reenter the pool while in this condition.

Note.—A deep wading pool and the use of showers, possibly employing a guard to insure the use of same, may be considered as a means of meeting this requirement of bathers.

RULE 8. Dressing rooms, etc.—Plunge rooms, dressing rooms, shower rooms, toilet rooms, lavatories, hallways, etc., shall be commodious well lighted, well ventilated and clean. Floors for dressing rooms, hallways toilet rooms, lavatories, and showers shall be of tile, concrete, or other impervious material, sloping at least one-half inch per foot to near-by grating-covered drain channels or floor drains, except that floors for dressing rooms and hallway may be of wood, provided they be treated to keep them impervious and clean.

RULE 9. Showers.—There shall be at least one shower head, provided with soap, for each 30 dressing rooms. Shower rooms shall be easily located from every dressing room.

Note.—The supplying of both hot and cold water to showers is commended but not required.

RULE 10. Toilets.—There shall be at least one toilet room for each 30 women's or children's dressing rooms and at least one toilet room for each 60 men's dressing rooms. There shall also be urinal spaces to accommodate at

least 5 per cent of the capacity of men's dressing room. Urinals shall be of a type which will prevent splash of urine upon the floor or feet of bathers, and floors opposite shall be free of any evidence of foulness. Toilets and urinal rooms shall be located for ease in finding from every dressing room and from the pool, and shall be distinctly marked. Outdoor toilets shall be screened against flies and constructed according to good sanitary practice.

RULE 11. Sanitary drinking fountains.—Where sanitary drinking fountains are provided they shall be of an approved type.

RULE 12. Life-saving equipment.—Equipment shall be provided for the rescuing and reviving of drowning persons, including life buoys, life hooks, and rope.

RULE 13. Life guard.—At least one attendant or life guard shall be on duty at pools to which admission is charged at all times when in use, who shall be familiar with the rescuing and reviving of persons apparently drowned.

RULE 14. Suits and towels.—Bathing suits and towels shall be thoroughly cleaned and sterilized after each use.

Note.—In accordance with the practice in the Army and Navy, fast or natural colors are advised for all new suits purchased, as this assists in preventing poisoning through breaks in the skin, prevents discoloration of pool water by dye, and facilitates disinfection.

RULE 15. General appearance.—The general appearance of all the premises shall be one of cleanliness, airiness, and sanitation. All surfaces possible shall be painted with light-colored paint.

RULE 16. Daily record.—The management shall keep on file a record of daily attendance and operations as prescribed in each individual instance, which shall be submitted to the bureau of sanitary engineering on demand.

RULE 17. Posting, analyses, notices, etc.—The management shall keep posted conspicuously in its office and in all dressing rooms such regulations governing the conduct of bathers as may be issued from time to time by the State board of health, and shall enforce the same strictly.

It shall also keep posted conspicuously near its office or entrance to the pool a report of the latest bacteriological analyses of the water in the pool, as furnished by the bureau of sanitary engineering. False and misleading claims relating to any sanitary condition or feature about the pool or premises shall not be displayed.

Camps Where Five or More Persons are Employed—Sanitary Regulation. (Ch. 164, Act May 5, 1919.)

SECTION 1. Section 1 of an act³ entitled "An act regulating the sanitation and ventilation in and at camps where five or more persons are employed; and providing a penalty for the violation thereof," approved May 29, 1913, as amended, is hereby amended to read as follows:

SECTION 1. In or at any camp where five or more persons are employed, bunk houses, tents, or other suitable sleeping places must be provided for all the employees. Such bunk houses, tents, or other sleeping places must be in good structural condition and so constructed as to provide shelter to the occupants against the elements and so as to exclude dampness in inclement weather. The bunk houses, tents, and other sleeping places shall be kept in a cleanly state and free from vermin and matter of an infectious and contagious nature, and the grounds around such bunk houses, tents, or other sleeping places shall be kept clean and free from accumulations of dirt, filth, garbage, and other deleterious matter.

³ Pub. Health Repts. Reprint 264, p. 86; Reprint 338, p. 96.

SEC. 2. Section 2 of said act, approved May 29, 1913, as amended, is hereby amended to read as follows:

SEC. 2. Every bunk house, tent, or other sleeping place used for the purpose of a lodging or sleeping apartment in such camp shall contain sufficient air space to insure an adequate supply of fresh air for each person occupying such bunk house, tent, or other sleeping place. Suitable bunks or beds shall be provided for all employees. Such bunks or beds shall be made of steel, canvas, or other sanitary material, and shall be so constructed as to afford reasonable comfort to the persons occupying the same.

SEC. 3. Section 4 of said act, approved May 29, 1913, as amended, is hereby amended to read as follows:

SEC. 4. For every such camp there shall be provided convenient and suitable bathing facilities of a reasonable nature to suit conditions, which shall be kept in a clean and sanitary condition. For every such camp there shall be provided convenient and suitable privy or other toilet facilities, which shall be kept in a clean and sanitary state. A privy other than a water-closet shall consist of a pit at least 2 feet deep, with suitable shelter over the same, and the openings of the shelter and pit shall be inclosed by screening or other suitable fly netting. No privy pit shall be filled with excreta to nearer than 1 foot from the surface of the ground and the excreta in the pit shall be covered with earth, ashes, lime, or other similar substance.

SEC. 4. Section 5 of said act, approved May 29, 1913, as amended, is hereby amended to read as follows:

SEC. 5. All garbage, kitchen wastes, and other rubbish in such camp shall be deposited in suitable covered receptacles, which shall be emptied daily or oftener, if necessary, and the contents burned, buried, or otherwise disposed of in such a way as not to be or become offensive or insanitary. All drainage from the kitchen sink shall be carried through a covered drain to a covered cess-pool or septic tank or otherwise disposed of in such a way as not to become offensive or insanitary.

SEC. 5. Section 6 of said act, approved May 29, 1913, as amended, is hereby amended to read as follows:

SEC. 6. It shall be the duty of any person, firm, corporation, agent, or officer of a firm or corporation employing persons to work in or at camps to which the provisions of this act apply and the superintendent or overseer in charge of the work in or at such camps to carry out the provisions of this act. At every such camp such owner, superintendent, or overseer shall appoint a responsible person to assist in keeping the camp clean.

COLORADO.

Venereal Diseases—Notification of Cases—Unlawful for Infected Persons to Expose Others to Infection—Medicine to be Sold only on Physician's Prescription—Reports by Druggists—Examination of Persons Suspected of Being Infected—Treatment—Isolation and Quarantine—Repression of Prostitution—Examination and Treatment of Prisoners—Regulations by State Board of Health Authorized—Establishment of a Venereal Disease Division in the State Board of Health. (Ch. 57, Act Mar. 19, 1919.)

SECTION 1. That syphilis, gonorrhea, and chancroid, hereinafter designated as venereal diseases, are hereby declared to be contagious, infectious, communicable, and dangerous to the public health. It shall be unlawful for anyone infected with those diseases, or any of them, to expose another person to infection.

SEC. 2. There is hereby created in the State board of health a division or department relating to venereal diseases, and the State board of health shall have power to appoint a competent director to direct the duties of said division as determined by the State board of health. The said board of health shall provide necessary inspectional, bacteriological, pathological, clerical, and stenographic assistance needed by the said director, and the director and his assistants shall receive such salaries as may be fixed by the State board of health and all necessary expenses in performance of their duties.

SEC. 3. Any physician, interne, or other person who makes a diagnosis in, prescribes for, or treats a case of venereal disease, and any superintendent or manager of a State, county, or city hospital, sanitarium, dispensary, or charitable or penal institution in which there is a case of venereal disease shall make a report of such cases to the health authorities according to such form, manner, and time as the State board of health shall direct.

All reports shall be made in writing within 48 hours after diagnosis on blank form supplied by the State board of health, and shall give the number of the case, which number shall correspond with the case number kept by the physician or other person reporting the case.

Nothing in this act shall be construed to require the reporting of the name or address of persons afflicted with venereal diseases: *Provided*, That the municipality or health district in which the patient resides shall be named in the report: *And provided further*, That when, by reason of known circumstances, conditions and habits of a particular person, he or she, is a menace to the health of any other person or persons the name of the patient may be given [by] the physician reporting the case to a duly authorized health officer for the purpose of investigation and enforcement of the law.

SEC. 4. No medicine, remedy, or preparation of any kind for the relief or cure of any of said venereal diseases shall be sold or given away by anyone within the State of Colorado, except upon the original written prescription of a licensed practicing physician in Colorado, which prescription shall bear the name and address of the prescribing physician, a case number which shall be

identical with the number used by the physician in reporting the case to the proper health officer, and the name of the municipality or health district in which the patient resides.

The said prescription shall not be refilled nor copy given except to the proper health officer or on his order, shall be subject to inspection by authorized health officers and kept on file for a period of two years, and then destroyed by fire.

All druggists and other persons filling any prescription, or selling any medicine for the relief or cure of any of said venereal diseases, besides keeping the prescription on file shall, after filling such prescription or selling or dispensing said remedies for said diseases, report the same to the proper health officer according to such form, manner, and time as the State board of health shall direct.

No prescription shall be made out or professional services rendered by any physician or other person in case of venereal disease unless the name, address, and occupation of the patient is known.

Any person applying to any physician, pharmacist, hospital, or sanitarium for treatment, medicine, or hospital care in case of venereal disease, who shall falsely report to any physician, pharmacist, hospital, or sanitarium the name, address, or occupation of the person having such disease or the person for whom the prescription or remedy is intended shall be deemed to have violated the provisions of this act.

SEC. 5. State, county, and municipal health officers, or their authorized assistants or deputies, within their respective jurisdictions are hereby directed and empowered, when in their judgment it is necessary to protect the public health, to make examinations of persons reasonably suspected of being infected with venereal disease, and to detain such persons until the results of such examinations are known, to require persons infected with venereal disease to report for treatment to a reputable physician and continue treatment until cured or to submit to treatment provided at public expense until cured, and also, when in their judgment it is necessary to protect the public health, to isolate or quarantine persons infected with venereal disease. It shall be the duty of all local and State health officers to investigate sources of infection of venereal disease, to cooperate with the proper officials whose duty it is to enforce laws directed against prostitution, and otherwise to use every proper means for the repression of prostitution.

SEC. 6. All persons who shall be confined or imprisoned in any State, county, or city reformatory or prison in the State shall be examined for and, if infected, treated for venereal diseases by the health authorities having jurisdiction. The prison authorities of any State, county, or city prison or reformatory are directed to make available to the health authorities such portion of any State, county, or city prison or reformatory as may be necessary for a clinic or hospital wherein all persons who may be confined or imprisoned in any such prison and who are infected with venereal disease, and all such persons who are suffering with venereal disease at the time of the expiration of their terms of imprisonment, and, in case no other suitable place for isolation or quarantine is available, such other persons as may be isolated or quarantined under the provisions of section 5, shall be isolated and treated at public expense until cured, or, in lieu of such isolation any of such persons may, in the discretion of the local board of health, be required to report for treatment to a licensed physician, or submit to treatment provided at public expense as provided in section 5. Nothing herein contained shall be construed to interfere

with the service of any sentence imposed by a court as a punishment for the commission of crime.

SEC. 7. The State board of health is hereby empowered and directed to make such rules and regulations as shall in its judgment be necessary for the carrying out of the provisions of this act, including rules and regulations providing for the control and treatment of persons isolated or quarantined under the provisions of section 5, and such other rules and regulation, not in conflict with provisions of this act, concerning the control of venereal disease, and concerning the care, treatment, and quarantine of persons infected therewith, as it may from time to time deem advisable. All such rules and regulations so made shall be of force and binding upon all county and municipal health officers and other persons affected by this act, and shall have the force and effect of law.

SEC. 8. Any persons, firm, or corporation violating any of the provisions of this act or any lawful rule or regulation made by the State board of health pursuant to the authority herein granted, or who shall fail or refuse to obey any lawful order issued by any State, county, or municipal health officer, pursuant to the authority granted in this act, shall upon conviction be fined in a sum not to exceed \$300 or imprisonment not exceeding 90 days, or both fine and imprisonment at the discretion of the court.

SEC. 9. For the purpose of carrying into effect the purposes of this act the sum of \$8,500 is hereby appropriated annually to the State board of health in addition to all other appropriations now made or that may be made to said board.

Venereal Diseases—Notification of Cases—Notification of Cases of Ophthalmia Neonatorum—Records to be Kept by Physicians—Unlawful for Infected Persons to Expose Others to Infection—Information to be Given Patients—Laboratory Examinations—Reports by Local Health Officers—Reports by Druggists—Medicine to be Sold only on Physician's Prescription—Duties of Dentists—Powers and Duties of Health Officers—Examination and Treatment of Prisoners and Inmates of Charitable Institutions—Prohibited Occupations—Clinics—Placarding Premises of Infected Prostitutes—Removal of Prostitutes—Repression of Prostitution—Cooperation of Health Authorities with United States Public Health Service. (Reg. Bd. of H., June 30, 1919.)

REGULATION 1. *Venereal disease declared dangerous.*—Syphilis, gonorrhea, and chancroid, hereinafter designated as venereal diseases, are hereby declared to be contagious, infectious, communicable, and dangerous to the public health. Any person infected with one of these diseases must not expose another person to infection nor shall any person perform or commit any act which exposes any other person to infection with any venereal disease.

REG. 2. *Venereal disease to be reported.*—Any physician, interne, or other person who makes a diagnosis in, prescribes for or treats a case of venereal disease, and any superintendent or manager of a State, county, or city hospital, sanitarium, dispensary, or charitable or penal institution in which there is a case of venereal disease, shall report such case in writing to the local health officer having jurisdiction within 48 hours. Said report must be made by completely filling out a blank form supplied by the director of the division of venereal disease of the State board of health. Each case reported must have a case number which shall correspond with a case number kept by the physician or other person reporting and all other information indicated by the following blank form:

REPORT OF VENEREAL DISEASE TO LOCAL HEALTH OFFICER.

(Town or city.)

(Date.)

1. Physician's case No. _____
2. Diagnosis _____
3. Has diagnosis been confirmed by laboratory test? _____
4. Age _____ years.
5. Sex _____
6. Color _____
7. Single, married, widow, widower, or divorced? _____
8. Name of municipality or health district in which patient resides _____
9. Occupation _____
10. Does patient handle dairy products or other foods? _____
11. Has patient discontinued employment? _____
12. Probable date of infection? _____
13. Probable source of infection? _____
If prostitute is probable source, give her name and address.
14. Is patient in an infectious stage? _____
15. Is patient, by reason of circumstances, conditions, or habits, a menace and likely to infect others? _____
16. Is patient regularly under treatment by you? _____
17. If previously examined, treated, or reported by another, give name and address of physician, and approximate date when treated by him _____
18. Physician _____
- Remarks _____

Following to be filled out by local health officer :

- Name of health officer _____
- Post-office address _____
- Municipality or health district _____
- Serial number of this report _____

REG. 3. *Ophthalmia neonatorum*.—(a) Every case of ophthalmia neonatorum due to gonorrheal infection shall be reported by the attending physician, midwife, or other person having knowledge of the case in same manner as specified in regulation 2 for reporting all cases of venereal disease.

(b) *Ophthalmia neonatorum* due to gonorrheal infection, in so far as these regulations will apply, must be handled in the same manner as other cases of gonorrheal infection.

REG. 4. *Physicians must keep record*.—Every physician is required and hereby directed to keep a private record of each patient having venereal disease, including the name of the municipality or health district in which the patient resides, a corresponding case number, name, and post-office address. No prescription shall be written or professional services rendered in case of venereal disease unless the name, address, and occupation of the patient is first ascertained.

REG. 5. *Change of physician to be reported by patient to physician first consulted*.—When a person applies to a physician or other person for treatment of a venereal disease it shall be the duty of the physician or person consulted to inquire of and ascertain from the person seeking treatment whether such person has heretofore consulted with or been treated by any other physician or person; and if so, to ascertain the name and address of the physician or person last consulted. It shall be the duty of the applicant for treatment to furnish this information, and a refusal to do so or a false statement of the name and address of the physician or person consulted shall be deemed a violation of law. It shall be the duty of the physician whom the applicant consults or employs to notify the physician last consulted or employed of the change of advisers. Should the physician or person previously consulted fail

to receive such notice within 14 days after the last appearance of such venereally diseased person, it shall be the duty of such physician to report to the local health officer the name and address of such venereally diseased person.

REG. 6. Patients to be given information.—It shall be the duty of every physician and of every other person who examines or treats a person having venereal disease to instruct him in measures for preventing the spread of such disease, and inform him of the necessity for treatment until cured, and to hand him printed information obtainable for this purpose from the director of the division of venereal disease.

REG. 7. Doubtful diagnosis.—Any person being treated for a venereal disease who may suspect an incorrect diagnosis of his disease, or who may have a suspicion that he is being continued under treatment an unnecessary period of time, or who has been threatened that his identity will be revealed if he discontinues treatment, may apply to the local health authorities or the director of the division of venereal disease for advice, or he may transfer to another physician in accordance with the provisions of regulation 5.

REG. 8. Aid given to physicians in matter of diagnosis.—The director of the division of venereal disease shall arrange for free diagnostic service to all practicing physicians and health officers of Colorado by furnishing them, through local health officers or otherwise, with bottles, slides, and mailing tubes for transmission of smears and blood samples through the mails for examination.

The serologist for the division of venereal disease shall make serological and bacteriological examinations on request of the director as follows:

- (a) Examination of pus smears and urinary sediment for gonococcus.
- (b) Complement fixation test for gonococcus.
- (c) Examination of smears from suspected cases of syphilis for the *Spirochæta pallida*.

(d) Examination of blood in suspected cases of syphilis by the Wassermann method or some of its modifications. In reporting result of examination the degree of inhibition of hemolysis shall be stated.

REG. 9. Local health officers must report.—Any local health officer on receiving a report of a case of venereal disease must make proper record including a serial number, which also must be written by him on the blank form as indicated in regulation 2, and within 24 hours must forward original report to the director of the division of venereal disease.

REG. 10. Druggists must report.—Any druggist or pharmacist after filling a prescription for relief or cure of venereal disease shall report the transaction to the local health officer having jurisdiction within 24 hours. Said report must be made on a blank form supplied by the director of the division of venereal disease of the State board of health and contain information as indicated by the following blank form:

REPORT OF DRUGGIST IN CASE OF VENEREAL DISEASE.

	(Town or city.)	(Date.)
1. Name of druggist.....		
2. Name of physician.....		
3. Address.....		
4. Case number on prescription: No.		
5. Date of prescription.....		
6. Municipality or health district in which patient resides.....		
7. Serial number used by druggist: No.		
8. Name of health officer to whom report is sent.....		

REG. 11. *Medicines and remedies sold on prescription only.*—No medicine, remedy, or preparation of any kind intended to be used for the relief or cure of venereal disease shall be sold to anyone by a druggist or other person except upon the original written prescription of a licensed practicing physician in Colorado, which prescription shall bear the name and address of the prescribing physician, a case number which shall be identical with the number used by the physician in reporting the case to the local health officer, and the name of the municipality or health district in which the patient resides. Said prescription shall not be refilled nor copy given except to a duly authorized health officer. All prescriptions in cases of venereal disease shall be subject to inspection by authorized health officers and kept on file for a period of two years, at which time they must be destroyed by fire.

REG. 12. *Local health officers receive and forward reports from druggists.*—Any local health officer on receiving a report from a druggist or pharmacist and after making suitable record shall within five days forward the original report to the director of the division of venereal disease.

REG. 13. *Dentists.*—Any dentist who may suspect a patient of being infected with a venereal disease by reason of diseased patches in throat or mouth or by reason of an eruption, or for any other reason, shall make proper inquiry of the patient as to the abnormal conditions noticed and whether diagnosis has been made and treatment rendered by any physician. Should the dentist after making inquiry still suspect that the patient may be infected with a venereal disease and also learn that such patient is not under the care of a licensed physician, then such dentist shall report the case to the local health officer having jurisdiction, who shall make proper investigation: *Provided*, That said patient may be given an opportunity to consult a licensed physician and promptly furnish the dentist with satisfactory evidence of such consultation, in which case no report need be made by the dentist. As a means of venereal prophylaxis any and all instruments used by dentists in treatment of patients must be thoroughly sterilized by boiling after use in treatment or examination of any patient before the same instruments are used in treatment or examination of another patient: *Provided*, That any instruments which would be damaged by boiling may be sterilized by some other reliable method.

REG. 14. *Powers and duties of health officer; detention and isolation.*—It is hereby made the duty of the local health officer when in his judgment it is necessary to protect the public health; and he is hereby directed and empowered:

(a) To make examinations of persons reasonably suspected of having syphilis in the infectious stages, or chancroid, or gonococcus infection. Owing to the prevalence of such diseases among prostitutes, pimps, procurers, persons guilty of lewd and lascivious conduct, and persons who associate with prostitutes, all such persons shall be considered within the above class..

(b) To quarantine or isolate persons infected with any of said diseases whenever quarantine or isolation is necessary to protect the public health and when necessary to place them for treatment in a detention hospital. In establishing quarantine the local health officer shall define the limits of the area in which the persons known to have venereal disease and his or her immediate attendants are to remain, and no persons, other than the attending physicians, shall enter or leave the area without the permission of the local health officer.

(c) In making examinations and inspections of women for the purpose of ascertaining the existence of venereal disease, to appoint women physicians for said purpose where the services of a woman physician are requested and it is practicable.

(d) In cases of quarantine or isolation, not to terminate said quarantine or isolation until the cases have become noninfectious.

(e) Cases of gonococcus infection are to be regarded as infectious until determined otherwise according to regulation 17.

(f) To keep all records of said examinations from public inspection and to make every reasonable effort to keep secret the identity of those affected by venereal disease control measures, as far as may be consistent with the protection of the public health.

(g) Inasmuch as prostitution is the most prolific source of venereal disease, the local health officer and all other officers shall use every proper means of suppressing the same, and all such officers are hereby prohibited from issuing certificates or other evidence of freedom from venereal disease.

REG. 15. *Reporting arrests.*—It shall be the duty of the chief of police, or of any peace officer within the State of Colorado to cause all persons arrested for being found in a disorderly house, or for prostitution or lewdness, and all other persons held under arrest, who are suspected of having venereal disease, to be examined and if any of such persons are found to be infected with any venereal disease, or to have been exposed to the same, to report the same immediately to the local health officer having jurisdiction.

REG. 16. *Examination of inmates of jails, prisons, and institutions.*—Any person committed to or confined for a definite or indefinite period of time in any jail, house of correction, or other penal or correctional institution, detention hospital, or any State, county, or city charitable institution shall, at the time of admission thereto, be given a thorough medical examination to determine the existence of any venereal disease, and if such person is found to be infected with any venereal disease, in an infectious stage, such person shall be promptly quarantined or isolated until such time as it may be definitely ascertained that quarantine may be terminated without endangering the health of other inmates or the health of the public. All persons confined in prisons or institutions mentioned in this regulation and infected with venereal disease must receive proper medical treatment by local health authorities having jurisdiction: *Provided*, That in case of State institutions such treatment may be directed by the authorities in control of said institutions.

REG. 17. *Infectious stage and cure of syphilis and gonorrhea.*—The infectious stage and time required for cure of syphilis and gonorrhea must be determined by government regulations.

REG. 18. *Occupations forbidden to persons infected with venereal disease in the infectious stage.*—(a) *Occupations.*—No person infected with venereal disease in an infectious stage shall engage in the occupation of nurse, nursemaid, domestic servant, baker, barber, hairdresser, chiropodist, manicurist, bath attendant, soda fountain dispenser, or masseur.

(b) *Food.*—No employer shall require or permit any person who is infected with venereal disease in an infectious stage to work in a building, room, basement, cellar, or vehicle occupied or used for the production, preparation, manufacture, packing, storage, sale, distribution, or transportation of foods, baked goods, drugs, or beverages. No person infected with venereal disease in an infectious stage shall be permitted to engage in any occupation in connection with a dairy; or with the handling of milk, cream, ice cream, or other food products; or to serve as cook, waiter, waitress, or otherwise in any hotel, restaurant, or boarding house; or in any hospital, sanatorium, or other institution where in the performance of his duties he either handles or comes in contact with food or drink for others.

(c) *Laundry.*—No person infected with venereal disease in an infectious stage shall be permitted to work in any capacity in any public laundry. Proprietors or persons in charge of laundries shall not be permitted to employ

in their laundries in any capacity persons known to be infected with venereal disease.

(d) *Swimming pool.*—No person infected with any venereal disease in an infectious stage shall use or be permitted to use any public swimming pool or tank.

(e) *Universities, colleges, students, and teachers.*—Any person infected with venereal disease in an infectious stage is forbidden to attend, or teach in any public or parochial school, university, college, or seminary, and local health officers are hereby authorized and directed to put into effect such measures of isolation, segregation, and quarantine as are required for the public health and safety.

REG. 19. *Clinics.*—**RULE 1. Number of weekly sessions and hours.**—The clinic shall be open daily for as long a period as necessary to adequately treat all cases, and on at least four evenings each week—after 5 p. m. Patients who can attend by day should do so. It is specially desirable that women patients should not be required to attend evening clinics.

RULE 2. Staff.—There shall be two or more physicians attached to each clinic. They shall be physicians of high moral character, professional training, and ability, of whom a good grade of work can be demanded, and who enjoy the confidence of their community.

One of these physicians shall be the director of the clinic and the others the assistants. The diagnosis and treatment of all cases shall be in the hands of the director or assistants, or under their immediate supervision. In addition, they shall arrange for the proper treatment of patients who are temporarily unable to attend. Other local physicians shall be encouraged to assist at the clinic, for their own instruction as well as for the more adequate treatment of the patients.

The director of the clinic shall be responsible to the medical officer for the conduct of the clinic, and, in general, for its results, and for the safety of its property when there is no separate fiscal agent. He shall direct the work of the other members of the staff and define their duties, subject to these regulations. An assistant director shall act for him in his absence.

There should be at least one female nurse, who shall assist the doctors during all examinations and treatments of female patients.

RULE 3. Equipment.—A sufficient number of well-arranged rooms, suitable laboratory arrangements, instruments, and apparatus shall be provided.

"It is not designed to establish prophylactic or early treatment stations primarily as such, but all clinics should be prepared to intelligently administer this treatment to voluntary applicants who give a history of exposure within a few hours immediately preceding their application.

"Every extramarital intercourse is to be regarded as an exposure to venereal infection, and the so-called prophylactic treatment is really early treatment given without waiting for definite diagnosis." (Reprint No. 515 from the United States Public Health Reports.)

RULE 4. Beds.—Every clinic shall have at its disposal beds for use of patients when needed for successful treatment or isolation.

RULE 5. Records.—Adequate records of all cases shall be kept by using a standard form or history sheet approved by the director of the division of venereal disease.

RULE 6. Social service required.—A social welfare organization shall be maintained and adequate measures adopted to secure a regular attendance of patients and to see that patients continue treatment until cured.

RULE 7. Information to patients.—Clinicians shall devote the amount of time necessary for intelligently informing new patients of the seriousness of their

disease, the necessity for prolonged treatment, the precautions necessary to prevent the spread of infection to others, and in addition shall furnish each patient with printed instructions from the director of division of venereal disease explaining how to avoid conveying the disease to others.

RULE 8. Microscopical examinations.—Systematic microscopical examinations of suspected initial lesions and discharges shall be made.

RULE 9. Urethroscopic and cystoscopic examinations.—Facilities for urethroscopic and cystoscopic examinations shall be provided.

RULE 10. Wassermann and complement fixation tests.—Wassermann tests shall be performed in the clinic laboratory or other approved laboratory. Specimens of blood shall also be examined by the complement fixation test when indicated.

RULE 11. Facilities for asepsis and antiseptis.—All clinics treating venereal patients shall be equipped with adequate facilities for asepsis and antiseptis.

RULE 12. Administration of salvarsan or equivalents.—Salvarsan (arsphenamine), neosalvarsan (neoarsphenamine), or their accepted equivalents shall be administered to all syphilitic patients where there are no contraindications. (Salvarsan or approved substitutes for treatment of patients attending clinics may be obtained, without cost, from the director of the division of venereal disease, Capitol Building, Denver.)

RULE 13. Cure in cases of syphilis.—Syphilitic patients will not be considered cured until so determined according to regulation 17.

RULE 14. Cure in cases of gonococcus infection.—Gonorrheal patients will not be considered cured until so determined according to regulation 17.

RULE 15. Cure in cases of chancroid.—In case of chancroid the patient shall not be considered cured until after thorough treatment and complete healing of the venereal ulcer.

RULE 16. Transfer of patients.—When it becomes necessary to discharge a patient before being cured, the patient shall be referred to an approved clinic or to a reputable physician.

RULE 17. Monthly reports.—On or before the 5th day of each calendar month a report of the work done in any clinic during the previous month shall be forwarded to the director of the division of venereal disease. Standard forms approved by the director of the division of venereal disease shall be used in making these reports.

REG. 20. Report of unusual prevalence.—When the local health officer, through investigation or otherwise, becomes aware of unusual prevalence of venereal disease, or of unusual local conditions favoring the spread thereof, he shall report the facts at once to the director of the division of venereal disease.

REG. 21. Placard.—Whenever a prostitute is found infected with venereal disease in the infective stage, the premises shall be placarded, unless said prostitute can be moved to a hospital or other place where there will be proper isolation and treatment. The placard shall be white and not less than 6 inches in width and 10 inches in length, bearing the inscription, "Venereal disease," printed in red, boldface type 3 inches in height, and said placard shall be affixed at the front and rear entrances of the building.

REG. 22. Permit required for change of residence.—No prostitute having any infectious venereal disease shall be removed from, and shall be prohibited from moving out of one health jurisdiction into another without first securing removal permit from the local health officer where said prostitute resides, and the further securing of an acceptance permit from the health officer at place of contemplated destination.

REG. 23. Prostitution to be repressed.—Prostitution is hereby declared to be a prolific source of venereal disease, and the repression of prostitution is declared to be a public-health measure. All local and State health officers are

therefore directed to cooperate with the proper officials whose duty it is to enforce laws directed against prostitution and otherwise to use every proper means for the repression of prostitution.

REG. 24. *False information.*—It will be in violation of these regulations for any patient, physician, drugless healer, pharmacist, dentist, superintendent of any hospital or sanitarium, attendant nurse or other person of whom lawful information is required, by proper authority, to refuse to give information or knowingly to give false information relating to anything mentioned in these regulations or having a bearing on any matter relating to venereal disease.

REG. 25. *Cooperation.*—All State and local health officers are required to cooperate with the United States Public Health Service in combating venereal disease, and especially is cooperation required when interstate matters are involved: *Provided*, That no health officer or other person shall be required to perform any act in violation of the law of the State of Colorado.

State Detention Home for Women Suffering with Venereal Diseases—Establishment and Maintenance—Commitment and Treatment of Infected Women. (Ch. 60, Act Apr. 9, 1919.)

SECTION 1. There shall be established in this State an institution for the confinement and free treatment of women suffering with venereal diseases under the name and style of the "State detention home for women."

SEC. 2. The State board of health is to have charge and control of said detention home, and is hereby empowered to lease a suitable building or buildings in which to confine and treat women suffering with venereal diseases; and said board is authorized to provide and furnish such medical treatment for the women so confined as it may determine.

SEC. 3. When any female is found by the inspector or agent of the State board of health to be suffering with venereal disease, or any woman if [sic] reported to the State board of health to be suffering with said disease by any licensed physician or licensed pharmacist, and in the opinion of the State board of health or its secretary such woman is dangerous to the public health, the inspector or agent of said State board of health shall cause such woman to be committed to said detention home for women for hospital treatment: *Provided, however*, That the woman found to be so suffering with such disease may demand a trial before the district or county court having jurisdiction in the county from which county she is committed.

SEC. 4. The district and county courts, and the judges thereof, in their respective counties, shall have exclusive original jurisdiction to try all cases arising under the provisions of this act whenever a female alleged to be suffering with a venereal disease demands a trial. All such cases shall be summarily tried before the court, or the judge thereof, and without the intervention of a jury unless a jury be demanded.

SEC. 5. All commitments to the State detention home for women shall be for such time as determined by the State board of health to be necessary to effect a permanent cure.

SEC. 6. A record shall be kept of each person committed to said home, setting forth her name, age, nativity, nationality, date of admission, the disease with which she is afflicted, likewise any further facts which may be required by the State board of health: *Provided, however*, That such record shall not be open to the public.

SEC. 7. It shall be the duty of the inspector or agent of the State board of health to convey any person committed under the provisions of this act to said detention home.

SEC. 8. Any female knowing or believing that she is affected with any venereal disease may apply for admission to the State detention home for women for examination and treatment, and if found to be so diseased, shall receive treatment therein.

SEC. 9. The State board of health shall appoint a matron for said detention home, who shall have general supervision thereof, and the said State board of health shall appoint such other employees as may be necessary to properly conduct said home, and any and all such employees as well as the matron of said home may be removed whenever said board of health shall so determine.

SEC. 10. The matron and employees of such home shall be paid such salaries monthly as shall be agreed upon between them and the State board of health.

SEC. 11. All vouchers for the purchase of supplies or other indebtedness for the State detention home for women shall be approved by the president and secretary of the State board of health, and upon presentation to the auditor of State, he shall draw a warrant upon the State treasurer in favor of the claimant, out of any moneys appropriated for the care and support of the said home.

SEC. 12. To carry out the provisions of this act, there is hereby appropriated out of money, not otherwise appropriated, the sum of \$15,000 for the years 1919 and 1920.

Habit-Forming Drugs—Sale and Dispensing. (Ch. 116, Act Mar. 28, 1919.)

SECTION 1. That it shall be unlawful for any person to sell, barter, exchange, distribute, give away, or in any manner dispose of, at retail or to a consumer, opium or coca leaves, or any compound, manufacture, salt, derivative, or preparation thereof, within this State, except upon the original written prescription of a duly licensed physician, dentist, or veterinary surgeon and pursuant to all the requirements of this act.

SEC. 2. That the provisions of this act shall not be construed to apply to the sale, barter, exchange, distribution, giving away, dispensing, or the disposition in any manner, or the possession within this State of preparations and remedies which do not contain more than 2 grains of opium, or more than one-fourth grain of morphine, or more than one-eighth of a grain of heroin, or more than 1 grain of codeine, or any salt or derivative of any of them in 1 fluid ounce; or, if a solid or semisolid preparation, in 1 avoirdupois ounce; or to liniments, ointments, or other preparations which are prepared for external use only, except liniments, ointments, and other preparations which contain cocaine or any of its salts, or alpha or beta eucain or any of their salts, or any synthetic substitute for them: *Provided*, That such remedies are sold, distributed, given away, dispensed, or possessed as medicines and not for the purpose of evading the intentment and provisions of this act. The provisions of this act shall not apply to decocainized coca leaves or preparations made therefrom, or to other preparations of coca leaves which do not contain cocaine.

CONNECTICUT.

Communicable Diseases—Prevention of Introduction into State. (Ch. 139, Act Apr. 15, 1919.)

Section 2384 of the general statutes is amended to read as follows: At such ports or places or on such lines of travel as there may be danger of the introduction into this State of cholera, yellow fever, or other communicable disease, the State department of health shall have the power to establish such systems of inspection as may be practicable and needful to ascertain the presence of the infection of cholera, yellow fever, or other communicable disease in the persons of immigrants or travelers, in wearing apparel, baggage, or freight; to question on oath, immigrants, travelers, or other persons, which oath a duly appointed inspector of the State department of health may administer, as to the place from which the suspected person, baggage, or freight came, the time elapsed since his or its exposure to cholera, yellow fever, or other communicable disease, and other subjects on which information is needed; and the State department of health may order such disinfection of baggage or other articles which are infected or liable to be infected, and cause such isolation of persons or things infected or liable to be infected as may be necessary for the public safety by placing it or them in the care of the local health authorities, or by other practical methods, to the end that the object of this act shall be fulfilled. The department shall frame and publish rules for the conduct of such inspection. Every person who shall willfully violate any of such rules shall be fined not more than \$500 or imprisoned not more than one year, or both. The department may from time to time appoint such inspectors as may be necessary for the proper enforcement of the provisions of this act, fix the compensation of such inspectors, and discharge such inspectors at its pleasure; and the expenses of such inspection shall be defrayed from the amount appropriated under the law for similar purposes.

Cholera and Yellow Fever—Law Allowing Extra Expenditures in Case of Epidemics of, Repealed. (Ch. 59, Act Mar. 28, 1919.)

Section 2383 of the general statutes is repealed.

Inmates of Prisons and Other Institutions—Examination and Treatment for Malignant or Communicable Diseases. (Ch. 239, Act May 14, 1919.)

SECTION 1. Any person who shall be confined or imprisoned in any State, county, or city prison or other institution for a period of 10 days or longer may be examined for any malignant, infectious, or contagious disease, and if found infected with any such disease, he shall be treated during the term of his confinement, and if not cured at the date of his discharge the local health officer shall be notified. The person in charge of every such prison or institution shall provide for such examination and necessary treatment of all such persons admitted thereto.

SEC. 2. The State department of health may make such rules, regulations, or orders as shall in its judgment be necessary to carry out the provisions of this act.

Prostitution, Lewdness, or Assignment—Examination and Treatment for Venereal Diseases of Persons Convicted of. (Ch. 77, Act Apr. 2, 1919.)

SEC. 3. Any person convicted of a first violation of the provisions of this act shall be imprisoned not more than six months; for a second violation not more than one year and for any subsequent violation not more than three years: *Provided*, In the case of a first conviction sentence may be suspended, and the accused placed in charge of a probation officer; but a person infected with venereal disease shall be paroled or placed on probation only upon such terms and conditions as shall insure medical treatment therefor and prevent the spread thereof. The court may order any person convicted under the provisions of this act to be examined for venereal disease by one or more competent physicians.

SEC. 4. No female convicted under the provisions of this act shall be placed in charge of any person except a woman probation officer, who shall cooperate with the local and State health officers in carrying out the provisions of the preceding section relating to examination and treatment for venereal disease.

Venereal Diseases—Exhibition of Stereopticon Views or Motion Pictures Relating to—Permit from State Commissioner of Health Required. (Ch. 329, Act May 21, 1919.)

SECTION 1. No person shall exhibit, or advertise to be exhibited, in any theater, hall, or other place of public amusement or entertainment, any stereopticon views or motion pictures in any way relating to the subject of venereal disease without first securing a written permit from the State commissioner of health for each such exhibition; and no person shall permit the exhibition of any such stereopticon views or motion pictures in any such building or place owned or controlled by him until such written permit has been secured.

SEC. 2. Any person violating the provisions of this act shall, for each offense, be fined not more than \$500, or imprisoned not more than six months, or both.

Antitoxins and Other Biologic Products—State Department of Health to Procure and Distribute to Local Health Officers for Free Use in Certain Cases. (Ch. 342, Act May 13, 1919.)

Section 2388 of the general statutes is amended to read as follows: The State department of health is authorized to procure diphtheria antitoxin, tetanus antitoxin, vaccine lymph, or other biologic products for the free use of people of the State upon whom the purchase thereof would impose a financial hardship, and to distribute the same to town, city, and borough health officers, who shall furnish the same to such persons upon recommendation of attending physicians.

Bacteriological Laboratory—Establishment and Control by State Department of Health. (Ch. 62, Act Mar. 28, 1919.)

Section 2370 of the general statutes is amended to read as follows: The State department of health may establish and control a bacteriological laboratory where examination of supposed morbid tissues for the diagnosis of infectious

diseases shall be made, free of expense, upon the application of registered physicians or health officers, and for such purpose may provide necessary buildings and apparatus, employ bacteriologists and assistants, and do all things necessary for the proper conduct of such laboratory.

Laboratory Building—Erection and Maintenance for Joint Use of State Department of Health and Connecticut Agricultural Experiment Station. (Ch. 257, Act May 21, 1919.)

SECTION 1. The State department of health and the Connecticut Agricultural Experiment Station may erect and maintain for their joint use in carrying out the provisions of the general statutes, and subject to the provisions of section 2104 of the general statutes, a laboratory building on land occupied by the agricultural experiment station in New Haven. Plans and estimates of cost of construction of such building shall be procured by the public health council and board of control of the agricultural experiment station, and when approved by the State board of control said experiment station and said department of health may procure bids for the construction of the same. No contract therefor shall be let until it shall have been approved by said board of control, nor shall any change or addition to such original plans be accepted if the cost of construction to conform thereto shall cost more than \$500 except on approval of the State board of control.

SEC. 2. Said experiment station and the department of health each may use one-half of the space in said building as may be agreed upon, but in case of failure to agree a division thereof may be made by the State board of control. The cost of the maintenance, heating, refrigerating, and other expenses in connection with said building shall be borne by said department and station, each paying one-half thereof unless otherwise ordered by the State board of control.

SEC. 3. The sum of \$100,000 is appropriated for the construction and equipment of said building.

Mosquito-Breeding Areas—Drainage and Treatment. (Ch. 21, Act Mar. 19, 1919.)

SECTION 1. Section 2410 of the general statutes is amended to read as follows: Whenever any swamp, marsh, or other land has been drained to the approval of said director [director of Connecticut Agricultural Experiment Station], he shall be paid by the State, and the town, city, or borough within which such tide gates or otherwise treat such areas so as to make such work effective. The cost of such maintenance or treatment, not exceeding in any year \$1 per acre, shall be paid by the State, and the town, city, or borough within which such place or area is located shall reimburse the State for three-fourths of the amount so expended. Said director shall certify to the comptroller the amount due from any town, city, or borough under the provisions of this section, and the treasurer of such town, city, or borough, as the case may be, shall pay to said comptroller such amount. All amounts so collected shall be available for expenditures under the provisions of this section. Said director may appoint one or more deputies to supervise the work done under the provisions of this and the preceding section, who may exercise the authority granted to such director, and the expenses of said director and said deputies for supervision and inspection shall be included in computing the cost of any such work, but the actual cost of making preliminary inspections and surveys and for the supervision and inspection of the construction and maintenance by the said director or his deputies shall be borne wholly by the State and paid from the

funds appropriated for the purpose. The comptroller may advance to said director such amounts, within the appropriations therefor, as are necessary to meet the current expenses for labor authorized under the provisions of this and the preceding section. Any person obstructing the work of examining, surveying, or ditching, or otherwise treating such mosquito-breeding areas, of obstructing any ditch, canal, or drain, or the natural outlet of any marsh forming mosquito-breeding areas, shall be fined not more than \$100 or imprisoned not more than 90 days, or both.

Private Tuberculosis Sanatoriums Receiving State Aid—Inspection and Maintenance. (Ch. 230, Act May 20, 1919.)

Section 2647 of the general statutes is amended to read as follows: Sanatoria under private management and receiving State aid shall be inspected semi-annually by the commission, but the association owning and conducting any such sanatorium shall maintain the same in good condition and shall assume all responsibility for the executive work thereof.

Public Health Council—Number, Qualifications, Appointment, and Expenses of Members. (Ch. 46, Act Mar. 26, 1919.)

Section 2361 of the general statutes is amended as follows: There shall be six members of the public health council, in addition to said commissioner, at least two of whom shall be physicians, and two sanitary engineers, and the term of office of each member shall be six years from the 1st day of July following his appointment. The governor shall, before July 1, 1919, and biennially thereafter, appoint two members of the public health council and shall fill any vacancy. Said members shall be paid their actual and necessary expenses incurred in the performance of official duties.

State Commissioner of Health—Powers and Duties. (Ch. 209, Act May 8, 1919.)

Section 2364 of the general statutes is amended to read as follows: The commissioner of health shall employ the most efficient and practical means for the prevention and suppression of disease, and shall administer the health laws and the sanitary code, prepare rules and regulations for the council, and, with the approval of the council, appoint and remove directors of bureaus, deputies, inspectors, and other employees. He shall have authority over health officials and may for cause, and with the consent of the council, remove any local health official; but any person claiming to be aggrieved by such removal may appeal to the superior court, which may affirm or reverse the action of the council, as the public interest may require; he shall assist and advise local health officers in the performance of their duties and may require the enforcement of any law, regulation, or ordinance relating to public health, and with the health authorities of this and other States secure information and data concerning the prevention and control of epidemics and conditions affecting or endangering the public health, and he shall compile such information and statistics and shall disseminate among health authorities and the people of the State such information as may be of value to them. He shall prepare printed forms for reports and returns, and such instructions as may be necessary for the use of health officers, boards of health, and registrars. When requested by local health officers he shall visit their jurisdictions to investigate, consult, and advise on any condition affecting public health; make at least once each year an inspec-

tion of all public hospitals, asylums, prisons, schools, and other institutions and submit a report of his investigations to the council, with such recommendations as he may deem proper. The commissioner of health shall investigate complaints of nuisances and conditions affecting the security of life and health in any locality, and for that purpose he or any person authorized by him so to do may enter and examine any ground, vehicle, apartment, building, or place, and any person designated by him shall have the authority conferred by law upon constables. Said commissioner may, subject to the approval of the board of control, employ such clerical and other assistance and purchase such supplies and materials for use in said department as may be necessary for the proper discharge of the duties of his office. The commissioner may, subject to the approval of said council, appoint an acting commissioner, who shall, during the absence or inability of the commissioner, perform the duties and exercise the powers of the commissioner.

State Department of Health—To Remain as Established—How Constituted.
(Ch. 157, Act Apr. 24, 1919.)

Section 2359 of the general statutes is amended to read as follows: The State department of health shall remain as established and shall consist of a commissioner of health and a public health council.

State Department of Health—Bureaus of. (Ch. 248, Act May 20, 1919.)

Section 2365 of the general statutes is amended to read as follows: Said department shall maintain bureaus of vital statistics, preventable diseases, laboratories, sanitary engineering, and child hygiene. The commissioner of health may appoint a director of each of said bureaus who shall perform the duties of his office under the direction and control of said commissioner. Each director shall receive such compensation as may be fixed by the health council subject to the approval of the board of control.

State Department of Health—Annual Report. (Ch. 97, Act Apr. 9, 1919.)

Section 2382 of the general statutes is amended to read as follows: On or before the 1st day of December in each year said department shall report, in writing, to the governor upon the vital statistics and sanitary condition of the State. Said report shall review the action of said department, its officers and agents and their activities and the result of its investigations and discoveries and shall contain such recommendations for legislative action, or other precautionary measures, as it may find to be advantageous for the protection of the public health. Said report shall contain a statement of all moneys received and expended by said department for the year ended the 30th day of September next preceding and shall show the manner and purposes of such expenditures.

Gifts of Money and Property—Receipt and Use by State Department of Health. (Ch. 127, Act Apr. 15, 1919.)

SECTION 1. The State department of health is authorized to receive, hold, and use real estate, and to receive, hold, invest, and disburse money, securities, supplies, or equipment offered it for the protection and preservation of the public health and welfare by the Federal Government or by any person, corporation, or association: *Provided*, Such real estate, money, securities, supplies, or equipment shall be used only for the purposes designated by said Federal

Government, person, corporation, or association, and provided such purposes are not contrary to the laws of this State.

SEC. 2. Said department shall include in its annual report as provided in section 2382 of the general statutes, an account of the property so received, the names of its donors, its location, the use made thereof, and the amount of unexpended balances on hand.

Local Health Officers—Appointment to be Filed with State Commissioner of Health—Official Oath Required. (Ch. 109, Act Apr. 10, 1919.)

Section 239 of the general statutes is amended to read as follows: The appointment of any town, borough, or city health officer shall be filed with the State commissioner of health, by the person making such appointment, and each town, borough, and city health officer, before entering upon the duties of his office, shall be sworn to the faithful discharge thereof.

Ice Cream—Manufacture and Sale—When Deemed Adulterated. (Ch. 260, Act May 21, 1919.)

SECTION 1. No person shall sell, expose for sale, or have in possession with intent to sell, any ice cream misbranded or adulterated as hereinafter defined.

SEC. 2. Ice cream, within the meaning of this act, is the frozen product made from cream with the addition of milk or milk products and sugar, with or without natural flavoring, manufactured, stored, distributed, and dispensed in a sanitary manner, and contains not less than 8 per cent of milk fat. Fruit ice cream is the frozen product made from cream with the addition of milk or milk products and sugar, and sound, clean, matured fruits, and contains less than 6 per cent of milk fat. Nut ice cream is the frozen product made from cream with the addition of milk or milk products and sugar, and sound, nonrancid nuts, and contains not less than 6 per cent of milk fat.

SEC. 3. Ice cream shall be deemed adulterated within the meaning of this act if, in substance and quality, it fails to meet the provisions and standards required for standard ice cream, or, if it shall contain boric acid, salicylic acid, formaldehyde, saccharin, or any substance deleterious to health, or if it shall contain salts of copper, iron oxide, ochres or any coloring substance or compound or flavoring matter deleterious to health: *Provided*, Nothing in this section shall be construed to prohibit the use of harmless colors permitted to be used in foods or of harmless imitation flavors, if the presence of the same shall be made known to the purchaser thereof.

SEC. 4. Nothing in this act shall be construed to prohibit, in the manufacture of ice cream, the use of fresh eggs, pure gelatin, or harmless vegetable gums; and nothing in this act shall be construed to prohibit the manufacture and sale of ice cream containing less than the amounts of milk fat required by section 2 of this act, provided the true fat content of such ice cream be plainly and conspicuously stated on the container in which it is sold, or in the case of ice cream sold in bulk that the true fat content be made known to purchasers thereof by means of a suitable sign displayed at the time and place of sale.

SEC. 5. Any person who shall violate any of the provisions of this act shall be fined not less than \$10 nor more than \$200 for the first offense, and for any subsequent offense a like fine and imprisonment of 30 days; but no dealer shall be prosecuted under the provisions of this act if he shall present a statement in writing from the manufacturer, wholesaler, or jobber from whom such ice cream was purchased containing a guaranty as to the quality of such ice cream.

SEC. 6. The dairy and food commissioner shall enforce the provisions of this act.

Anthrax in Animals—Prevention and Control. (Ch. 91, Act Apr. 3, 1919.)

SECTION 1. The commissioner on domestic animals shall have plenary power to deal with all outbreaks of the contagious disease in domestic animals known as anthrax or charbon, and he may provide for the vaccination or immunization of cattle or horses kept on lands known or suspected to be infected with germs or spores of anthrax or kept on lands adjacent to such infected lands, and he may provide for the vaccination and immunization of animals which may have been exposed to said disease, at the expense of the State. The commissioner may make and enforce such rules, orders, and quarantines as in his judgment may be necessary for the control of said disease. Any person who violates any rule or order of said commissioner authorized hereby or who interferes with or obstructs the commissioner or any assistant employed by him in the discharge of his duties as herein provided shall be fined not more than \$100 or imprisoned not more than 30 days or both.

Glanders and Farcy—Prevention and Suppression—Examination, Quarantine, and Destruction of Animals. (Ch. 78, Act Apr. 2, 1919.)

SECTION 1. For the purpose of preserving public health and to prevent the spread of glanders and farcy the commissioner on domestic animals shall from time to time make orders and regulations relative to the examination, quarantine, and disposal of such animals as are infected with either of the aforesaid diseases, as hereinafter provided. The board of health of any city, the selectmen of any town, any officer or agent of the Connecticut Humane Society, any veterinary surgeon or any other person having knowledge of or reason to suspect the existence of glanders or farcy in this State, whether such knowledge be obtained by personal examination or otherwise, shall immediately give notice thereof to the commissioner on domestic animals and to the health officer of the town, city, or borough in which such suspected case exists, and said health officer may immediately quarantine such animal or animals until examined by the said commissioner, for a period not exceeding 10 days. Any person having knowledge of the existence of glanders or farcy who fails to give such notice to the commissioner or to such health officer shall be fined not more than \$50. Upon receipt of such notice the commissioner or his assistant shall examine, or cause to be examined, the diseased or suspected animal or animals. When any animal so examined is found by said commissioner or his assistant to exhibit symptoms of glanders or farcy it shall be destroyed and the carcass disposed of, as said commissioner shall direct, at the expense of the owner. An order for such destruction shall be issued in writing by the commissioner, and said order shall also contain such directions as to quarantine and disinfection of the premises where such animal or animals were stabled as may be required for public safety, but no such quarantine shall exceed a period of 10 days.

SEC. 2. The commissioner shall, with the approval of the governor, make such rules and regulations for the inspection and examination of animals and premises that have been exposed to infection by glanders or farcy as he may deem to be necessary for the purposes of this act. When said commissioner shall suspect any animal to be infected with glanders or farcy he may issue to the owner or person in charge thereof an order to quarantine the same, which order shall be in force until such time as the commissioner shall be satisfied whether such disease exists, but such quarantine at the discretion

of the commissioner need not prohibit or restrict the free use of said animal other than the disposal thereof. Inspection of said animal shall be made from time to time under the direction of the commissioner, until such quarantine is terminated or such animal is destroyed. Any person who shall violate any provision of this section or any order of said commissioner authorized hereby, or who shall interfere with or obstruct the commissioner or any assistant employed by him in the discharge of his duties as herein provided shall be fined not more than \$100 or imprisoned not more than 30 days, or both. The commissioner is authorized to employ assistants to enforce the provisions of this act, and such assistants shall have the same powers as the commissioner while so employed.

SEC. 3. The commissioner on domestic animals may cause any equine animal quarantined in accordance with the provisions of section 1 of this act to be killed, but no equine so quarantined shall be killed until the value thereof shall have been determined. In case the owner and the commissioner can not agree upon such values each shall appoint an appraiser, and if such owner fails for 24 hours to select an appraiser, the appraiser chosen by the commissioner shall select such second appraiser. In case the two so chosen fail to agree they shall select a third appraiser and the three so chosen shall determine the value of such animal. The value so determined shall, when approved by the commissioner, and when a sworn certificate shall have been filed with the commissioner that such animal has been killed and buried and the premises disinfected as ordered by the commissioner, be paid to the owner by the State, upon the order of the comptroller, but no animal, the physical condition of which is such that it is of no real value, and no animal which has been in the State for a period of less than six months next preceding its quarantine shall be paid for by the State. When the value of any such animal shall be appraised as provided in this section, the State shall pay for any full-bred equine animal a sum not exceeding \$125, and for any such graded animal a sum not exceeding \$100. No compensation shall be paid to the owner of any such domestic animal by the State unless such animal is destroyed to prevent the spread of infectious disease.

SEC. 4. The provisions of this act shall not apply to animals condemned to prevent the spread of the foot-and-mouth disease.

SEC. 5. Sections 2088, 2089, and 2090 of the general statutes are repealed. The provisions of section 2095 of the general statutes shall not apply to cases of glanders or farcy.

Domestic Animals—Hog Cholera and Hemorrhagic Septicemia—Prevention and Control. (Ch. 119, Act Apr. 15, 1919.)

Section 2098 of the general statutes is amended to read as follows: The commissioner on domestic animals shall make, subject to the approval of the governor, regulations for the examination, quarantine, disinfection, preventive treatment, and disposition of animals affected with hog cholera, hemorrhagic septicemia, and kindred diseases. The commissioner on domestic animals shall, at once, cause an investigation of all cases of such diseases coming to his knowledge, and shall use all proper means to exterminate and prevent the spread of the same. The commissioner or his assistant may direct the manner in which any animal exhibiting symptoms of such diseases shall be disposed of. Instructions shall be issued in writing by the commissioner or his assistant which shall contain directions for quarantine and disinfection of the premises where either of such diseases shall exist, and the cost of disinfectants, chemicals, and expert supervision shall be paid by the State. The commissioner

shall procure a sufficient supply of serum and virus for the vaccination and inoculation of animals, to carry out the purposes of this act, and shall, upon the written request of the owner of any animal, inoculate or vaccinate such animal, and all serum and virus used shall be furnished by the commissioner at cost. The commissioner is authorized to employ assistants who shall have the same power as the commissioner in enforcing the provisions of this act. No person, firm, or corporation, nor the agent or employee of any corporation, shall have in his possession any antihog-cholera serum, virulent blood or virus, or any preparation or similar composition for either of said diseases, unless permission in writing has been obtained from the commissioner. No person other than the commissioner or his assistants, shall administer any such serum, blood, virus, or similar preparation without permission in writing from the commissioner. Any person who shall violate any provision of this act shall be fined not more than \$100 or imprisoned not more than 30 days, or both.

Animals—Quarantine When Believed to Be Infected with Communicable Disease. (Ch. 226, Act May 20, 1919.)

Section 2094 of the general statutes is amended to read as follows: Said commissioner [of domestic animals] may quarantine all animals that he has reasonable grounds to believe to be infected with a communicable disease, and prohibit or regulate the sale of all the products thereof, and such animals shall be confined in a place designated by him for such time as said commissioner shall judge necessary. The provisions of this section shall not apply to cases of glanders, farcy, or anthrax. Any person or any officer or agent of any corporation who shall obstruct or attempt to obstruct said commissioner or any assistant while engaged in the discharge of any duty hereunder shall be fined not more than \$100 or imprisoned not more than 30 days, or both.

Diseased Cattle—Rewards for Conviction of Persons Bringing into State. (Ch. 72, Act Apr. 2, 1919.)

Any person who shall give information leading to the arrest and conviction of any person bringing, driving, leading, transporting, or causing to be transported, any neat cattle into the State contrary to the provisions of section 2093 of the general statutes shall receive a reward of such sum, not exceeding \$100, as the superior court in the county in which such conviction is had or a presiding judge thereof shall determine; which sum shall be paid by the State treasurer upon the order of such court or judge.

Cattle—Tuberculin Test—Eradication of Tuberculosis. (Ch. 111, Act Apr. 10, 1919.)

SECTION 1. Upon written application for the "accredited State herd test" of a herd of neat cattle and a signed statement by the owner thereof to place the same under State supervision for the eradication of tuberculosis, the commissioner on domestic animals or his deputy, or any authorized agent, may make physical examination and tuberculin test at the expense of the State of all animals in said herd. When the commissioner on domestic animals shall have established the condition of the herd by a physical examination and tuberculin test and when all reactors have been removed, as provided by section 2095 of the general statutes, he shall issue to the owner thereof a certificate in accordance with the finding of the test or tests and place the same on lists for public distribution to be issued semiannually. Such lists and certificates shall be entitled and issued as follows: (1) When such herd has been

officially tuberculin tested and all reactors removed it shall be placed on a list entitled "Official tuberculin tested herd," and said commissioner shall issue to the owner thereof a certificate setting forth said facts. (2) When such herd has been subjected to one official tuberculin test and found free from any reactors it shall be placed on a list entitled "First tested herd," and said commissioner shall issue to the owner thereof a certificate setting forth said facts. (3) When such herd has been subjected to two consecutive annual or three semiannual official tuberculin tests and found free from any reactors in each of said tests it shall be placed on a list entitled "Accredited herd free from tuberculosis," and said commissioner shall issue to the owner thereof a certificate setting forth said facts.

SEC. 2. The commissioner on domestic animals shall have authority to cooperate with the Bureau of Animal Industry, United States Department of Agriculture, in any general national system which may be adopted by such department or bureau for the eradication of bovine tuberculosis or any contagious or infectious disease. He may regularly employ one or more veterinary surgeons at the expense of the State to carry on the work of the eradication of tuberculosis in herds of bovine animals with an equal number of inspectors employed by the United States Department of Agriculture. Such cooperative work shall be undertaken only on written application of the owner of such animals. The commissioner on domestic animals may accept from the United States such assistance, financially or otherwise, for the condemnation of diseased animals and remunerating the owners thereof and for carrying out the provisions of this act as may be available from time to time.

SEC. 3. No tuberculin test shall be made by the commissioner on domestic animals, his deputy or agent, or by a veterinarian employed by the commissioner for this purpose or in cooperation with the United States Department of Agriculture as provided in this act which shall incur expense to the State, unless such application for test by the owner shall be approved and accepted by the commissioner on domestic animals.

Cattle—Bringing into State—Certificates of Health—Quarantine, Examination, and Testing—Destruction When Diseased. (Ch. 168, Act May 1, 1919.)

SECTION 1. Section 2093 of the general statutes is amended to read as follows: No person shall, except in accordance with the provisions of this section and under a permit as provided for herein, ship or cause to be shipped, or bring or cause to be brought, into this State any neat cattle over 6 months of age unless a certificate of the health of such cattle has been obtained from the authority having jurisdiction of the diseases of domestic animals in the State from which such cattle are brought or shipped, and the owner of any cattle so brought into this State or his agent shall, within 24 hours after the arrival of such cattle at their destination, give notice thereof in writing to the commissioner on domestic animals. Such animals shall be held in quarantine until the certificate of health has been approved by the commissioner. The commissioner may, in his discretion, grant to any person making application therefor a permit in writing authorizing such person to ship or bring neat cattle into this State, without having obtained the health certificate provided for in this section, conditioned that any such cattle shall be placed in quarantine at the place of their final destination or such other place as shall be designated by such commissioner. All cattle so placed in quarantine shall be examined by the commissioner or his agent, either by physical examination or by the tuberculin test, as said commissioner may determine, and shall not be

released from such quarantine until the commissioner shall have ordered such release. The commissioner may cause any cattle, found upon such examination to be diseased, to be killed as provided by section 2095 of the general statutes. The cost of such testing or examination shall, before such cattle are released from quarantine, be paid by the owner of such cattle, but the cost of keeping such cattle in quarantine, for a period not exceeding six weeks, shall, subject to the approval of such expense by said commissioner, be paid by the State. The commissioner may, in his discretion, issue to any person a written permit authorizing such person to bring cattle into this State for the purpose of exhibiting the same at any agricultural fair or other public exhibition or to bring into the State cattle which such person has taken or intends to take out of the State for the purpose of such exhibition. No railroad, steamship, or other transportation company or carrier shall transport any neat cattle into this State unless the same be accompanied by a certificate of good health or by a permit as provided for in this section. Any person violating any of the foregoing provisions of this section or any officer or agent of any corporation directing or causing the violation by such corporation of any of said provisions shall be fined not more than \$50 for the first offense and not more than \$100 for each subsequent offense. Any person who shall intentionally interfere with the performance of any examination provided for by this section, or who shall attempt to defeat the objects of the tuberculin test applied to cattle by a previous injection of tuberculin, known as "plugging," or shall in any way attempt to prevent an accurate result of any such test, shall be fined not more than \$100 or imprisoned not more than 30 days.

Tuberculin—Sale—Reports by Persons Using—Sale of Cows Known to Have Reacted to Tuberculin Test. (Ch. 169, Act May 1, 1919.)

SECTION 1. No tuberculin shall be kept, sold, or offered for sale after January 1, 1920, except by written permit obtained from the commissioner on domestic animals. Reports of all sales shall be made to the commissioner on domestic animals on forms provided by said commissioner. All persons using such tuberculin shall report to the commissioner on domestic animals the result of such tests, including test charts and identification of all cattle so tested.

SEC. 2. No person shall sell, trade or otherwise dispose of, except for immediate slaughter, any cow that has been known to have reacted to the tuberculin test, unless such sale shall be into a herd quarantined by the commissioner on domestic animals, which quarantine provides that no dairy product from said herd shall be sold or used unless properly pasteurized.

SEC. 3. Any person violating any provision of this act shall be fined not more than \$100 or imprisoned not more than 30 days.

Water Supplies—Pollution—Investigation and Prevention. (Ch. 131, Act Apr. 15, 1919.)

Section 2556 of the general statutes is amended to read as follows: Whenever complaint in writing shall be made to the State department of health by the mayor of a city, any of the selectmen of a town, or the warden or any of the burgesses of a borough, any committeemen of a fire district or the local health officer of a city or town, of an existing or threatened pollution of any of the waters of the State, the State department of health shall investigate such complaint, and whenever said department shall have reason to believe that any of the waters of the State are being polluted in a manner prejudicial to the public health, it may, upon its own motion, investigate such pollution. If said department shall find that any of the waters of the State are being polluted in a

manner prejudicial to the public health, it may issue such orders as may be necessary to prevent the continuance of such pollution.

Pollution of Waters of the State—Investigation. (Ch. 271, Act May 21, 1919.)

SECTION 1. Section 2562 of the general statutes is amended to read as follows: The State department of health, acting with five persons appointed by the governor, at least two of whom shall be of recognized experience in sanitation, and at least two of whom shall be manufacturers, is authorized to make such investigations and employ such expert assistance as may be necessary to enable it to carry out the provision of section 2561 of the general statutes, concerning pollution of the waters of this State. The persons so appointed shall serve without compensation. For the purposes of this act the sum of \$50,000 is appropriated out of any money in the treasury not otherwise appropriated.

Water and Ice Supplies—Investigation and Protection. (Ch. 117, Act Apr. 15, 1919.)

Section 2530 of the general statutes is amended as to read as follows: The State department of health may, and upon complaint shall, investigate any system of water supply or source of water or ice supply from which water or ice used by the public is obtained, and if it finds any pollution or threatened pollution which in its judgment is prejudicial to public health, it shall notify the owner of such system of water supply, or the person or corporation causing or permitting such pollution or threatened pollution, of its findings and after hearing shall make such orders as it may deem necessary to protect such water or ice supply and render such water or ice safe for domestic use.

Stream Pollution—Investigations and Experiments—Law Authorizing Payments for, Repealed. (Ch. 55, Act Mar. 28, 1919.)

Section 2386 of the general statutes is repealed.

Tenement Houses—Water-Closets—Number—Ventilation of Rooms Containing. (Ch. 182, Act May 2, 1919.)

SEC. 3. Section 2587 of the general statutes is amended to read as follows: In every tenement house hereafter erected there shall be a water-closet in each apartment of three or more rooms and at least one water-closet for every two apartments of less than three each. Each water-closet shall be in a separate compartment or bathroom, upon the same floor with the apartment which it accommodates. Every bathroom, toilet room, or other room containing one or more water-closets or urinals, hereafter placed in any building, shall be ventilated in at least one of the following ways: (a) By a window opening directly upon a street or other open public space or upon a court located on the same lot as the building, and having between stop beads, an area of not less than 10 per cent of the floor area nor less than 3 square feet in any case and a width of not less than 1 foot; (b) by a window of the size specified in subsection (a), or a register, opening on a vent shaft which extends to and through the roof or into a court conforming to the requirements of this section for courts and which has a cross-sectional area of not less than one-fifth of a square foot for every foot of height but not less than 9 square feet and a width of not less than 16 inches in any case, and, unless open to the outer air at the top, a net

area of louver openings in the skylight equal to the maximum required shaft area; (c) by an individual vent flue or duct extending independently of any other flue or duct, to and above the roof and having a cross-sectional area of not less than 1 square foot for two or less water-closets or urinal fixtures and one-third of a square foot additional for each additional water-closet or urinal fixture; (d) by a skylight in the ceiling, having a glazed surface of not less than three square feet and arranged so as to provide ventilating openings of not less than 3 square feet to the outer air above the roof of the building or into a court conforming to the requirements of this section for courts, for two or less water-closets or urinal fixtures and 2 square feet additional for each additional water-closet or urinal fixture; or (e) by some approved system of mechanical exhaust ventilation of sufficient capacity to provide not less than four changes of air per hour. Every vent shaft in a tenement house hereafter erected shall be constructed of fireproof material; not more than two water-closets or bathrooms shall open upon such a shaft on one floor of a tenement house, and no two water-closet or bathroom windows opening upon such shaft on the same floor shall be opposite each other.

Factories and Buildings Where Persons are Employed—Toilet Accommodations to be Provided and Kept in Sanitary Condition. (Ch. 273, Act May 21, 1919.)

Section 2347 of the general statutes is amended to read as follows: Every person or corporation managing or operating any factory, or owning or controlling the use of any other building where five or more persons are employed, shall provide and keep in good sanitary condition sufficient and suitable toilet accommodations and approaches thereto for the use of the persons employed.

Births—Registration. (Ch. 56, Act Mar. 28, 1919.)

Section 329 of the general statutes is amended to read as follows: Every physician or midwife who shall have professional charge of the mother at the birth of any child shall, within 10 days after such birth, and the father or mother of such child, when no physician or midwife is employed, shall, within 30 days after such birth, furnish the registrar of the town in which such birth occurred, a certificate signed by such physician, midwife, father or mother, stating from the best information obtainable, the name, if such child have a name, the place and date of birth, the sex, the name of the father, the maiden name of the mother, the age, color, residence and birthplace of each of the parents, the occupation of the father, the number of the child and the name and address of the medical attendant.

Deaths—Registration. Communicable Diseases—Burial. Burial Permits—Issuance. (Ch. 45, Act Mar. 26, 1919.)

Section 330 of the general statutes is amended to read as follows: The physician last in attendance upon a person in his last sickness, within 24 hours after the death of such person, or a medical examiner, in cases of which he has cognizance after he has prepared to make his report, shall make out a certificate upon a blank furnished by the State department of health, stating the full name of the deceased, the disease of which he died, or the cause of death, defined so that such death can be classified under the international list of causes of death, and the duration of disease if known; and said physician shall provide that such certificate may be obtained at his office upon application

therefor. In case no physician attended such deceased person, or in case of the inability of the attending physician by reason of sickness, death or absence, to make out such certificate, a near relative may procure such certificate from the health officer of the town, city, or borough in which such person died. Said certificate, together with the undertaker's certificate herein provided for, shall be deposited with the registrar of the town in which said person died, to obtain a permit for burial or removal as provided in sections 332 and 339 of the general statutes. A certificate of death which does not define the disease or other cause of death as herein provided shall not be deemed sufficient upon which to issue a burial or removal permit, and such certificate shall be returned to the physician who made it for the proper correction and definition, unless it is specifically stated therein that the cause of death is not obtainable. The undertaker or person in charge of the burial of the deceased person shall make out a certificate upon a blank furnished by the State department of health stating the full name of the deceased; the date of death; the place of death, including street, number, and ward, if any; the number of families in the house, if tenement; residence at time of death; occupation; condition, single, married, divorced, or widowed, and if a wife or widow, of whom; date of birth; sex; color; birthplace; father's name in full; father's birthplace; mother's full maiden name; mother's birthplace; place of burial; from whom he received the information; whether or not the body was embalmed, and if so the name of the embalmer and the number of his license, which certificate shall be signed by such undertaker. Every person having in charge and preparing for burial the body of any deceased person who shall have died from cholera, yellow fever, diphtheria, membranous croup, typhus fever, typhoid fever, scarlet fever, measles, leprosy, smallpox or other pestilential disease, shall, where the same has not already been done, disinfect said body in accordance with the method which may be from time to time prescribed by the State department of health, or inclose it in an air-tight coffin or case, hermetically sealed, and shall give to said registrar a certificate signed and sworn to by a licensed embalmer, stating that the said body has been disinfected or inclosed as herein provided. No burial permit shall be issued in any such case upon a certificate not so signed by a licensed embalmer. Any person who shall violate any provision of this section, or who shall knowingly sign a false certificate, shall be fined not more than \$25.

Dental Hygienists—Employment to Clean and Keep Clean Teeth of School Children. (Ch. 293, Act May 21, 1919.)

Any town school committee, board of school visitors, or board of education may employ a dental hygienist to cleanse and keep clean the teeth of school children in attendance at the public schools in such town or district and the authority therein authorized to appropriate money for the support of such schools in the town or district wherein such hygienist shall have been employed, may make such appropriation as may be necessary for such purpose.

Shuttles—Appliances for Threading Required. (Ch. 27, Act Mar. 26, 1919.)

Any person, firm, or corporation engaged in weaving which shall fail to furnish suitable appliances to permit the threading of shuttles without the necessity of the operator putting any thread into his mouth or touching any portion of the shuttle with his lips, shall be fined not more than \$50. The commissioner of labor and factory inspection shall enforce the provisions of this act.

Inmates of Certain State Institutions—Sterilization. (Ch. 69, Act Apr. 2, 1919.)

Section 2691 of the general statutes is amended to read as follows: The directors of the State prison and the superintendents of the State hospitals for the insane at Middletown and Norwich and the superintendent of the Mansfield State Training School and Hospital at Mansfield Depot are authorized and directed to appoint for each of said institutions two skilled surgeons, who, in conjunction with the physician or surgeon in charge at each of said institutions, shall constitute a board the duty of which shall be to examine such inmates of said institutions as are reported to them by the warden or superintendent or the physician or surgeon in charge, to be persons by whom procreation would be inadvisable. Such board shall examine the physical and mental condition of such persons and their record and family history so far as the same can be ascertained, and if, in the judgment of a majority of said board, procreation by any such person would produce children with an inherited tendency to crime, insanity, feeble-mindedness, idiocy, or imbecility and there is no probability that the condition of any such person so examined will improve to such an extent as to render procreation by any such person advisable, or if the physical or mental condition of any such person will be substantially improved thereby, then said board shall appoint one of its members to perform the operation of vasectomy or oöphorectomy, as the case may be, upon such person. Such operation shall be performed in a safe and humane manner, and the board making such examination and the surgeon performing such operation shall receive from the State such compensation for services rendered as the warden of the State prison or the superintendent of either of such hospitals shall deem reasonable.

Persons Licensed to Practice the Healing Arts—Annual Registration with State Department of Health. (Ch. 120, Act Apr. 15, 1919.)

SECTION 1. Every person licensed under the provisions of the general statutes, or who may hereafter receive such license to practice medicine, surgery, midwifery, chiropractic, osteopathy, chiropody, optometry, or nursing, or any person licensed to use any means or agency to treat, prescribe for, heal, or otherwise alleviate human ills, deformity, ailment, or disease, shall annually, during the month of January, register with the State department of health, without fee, on blanks to be furnished by said department for such purpose, giving his name in full, residence and business address: *Provided*, Nothing in this section shall be construed to include any person practicing dentistry or Christian science.

SEC. 2. Any person violating any provision of this act shall be fined not more than \$5. The county health officer of the county within which such violation occurs shall prosecute therefor.

DELAWARE.

Influenza—Made Reportable. (Reg. Bd. of H., Apr. 3, 1919.)

Whereas influenza (la grippe) has been found to be highly contagious, the State board of health hereby orders that influenza be placed on the list of reportable diseases and shall be reported and subject to the same rules and regulations pertaining to reportable diseases.

Paratyphoid Fever—Made Reportable. (Res. Bd. of H., Oct. 2, 1919.)

Resolved, That paratyphoid fever is hereby added to the list of diseases that must be reported to the State board of health by the attending physician within 12 hours after a diagnosis has been made.

Certain Communicable Diseases Occurring Outside of Incorporated Cities or Towns—Notification of Cases—Quarantine—Placarding—State Board of Health May Add Other Communicable Diseases to Those Listed. (Ch. 54, Act Apr. 10, 1919.)

That chapter 25 of the Revised Code of the State of Delaware be, and the same is hereby, amended by adding thereto the following section, to be styled as 756A, section 21A:

756A. SEC. 21A. That any physician or person, attending a case of anthrax, Asiatic cholera, bubonic plague, cerebrospinal meningitis, chicken pox, diphtheria (membranous croup), leprosy, measles, poliomyelitis, scarlet fever (scarlatina, scarlet rash), smallpox, typhoid fever, typhus fever, whooping cough, yellow fever, and which is located outside of the corporate limits of any incorporated city or town in the State of Delaware, shall immediately place the patient and house under quarantine and shall immediately report the existence of said disease, together with the name and age of the patient, the location of the premises in which the disease exists, to the nearest board of health, and also to the State Board of Health of Delaware, and shall within 24 hours have tacked on the front door of said premises a quarantine card for the disease existing therein, said quarantine card to be furnished by the State board of health; and said physician or person shall in all ways obey the rules and regulations of the State board of health relative to contagious and infectious diseases.

That any person violating any of the provisions of this act, or the rules or regulations of the State board of health, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than \$10 nor more than \$50.

That all fines recovered under this act shall be paid to the State board of health, and by them paid to the treasurer of the State of Delaware, and applied to the general fund of the State. The costs in all such cases shall be paid by the person fined.

Any person charged before any justice of the peace or other magistrate under this act shall have a right to appeal to the superior court for the county. The bond and all the proceedings under said appeal shall be the same as prescribed under section 53 of chapter 74 of the Revised Code.

That the State board of health may at any time add other infectious or contagious diseases to be subject to the provisions of this section.

That the secretary of state is hereby authorized and directed to have 1,000 copies of this section printed and delivered to the State board of health within 60 days after the passage of this act.

Smallpox—Free Vaccination for Indigent Persons. (Res. Bd. of H., July 3, 1919.)

Resolved, That hereafter the State board of health will furnish smallpox vaccine free to any physician upon request for indigent cases.

And be it further resolved, That any indigent person in the State of Delaware may be vaccinated at the expense of the State board of health by making personal application to any member of the State board of health, and such members are hereby authorized to arrange for the necessary medical attention, which shall not exceed \$1 per person vaccinated.

Typhoid Fever—Free Vaccination for Indigent Persons. (Res. Bd. of H., July 3, 1919.)

Resolved, That hereafter the State board of health will furnish typhoid fever bacterin free to any physician upon request for indigent cases.

And be it further resolved, That any indigent person in the State of Delaware may receive the typhoid fever immunization treatment at the expense of the State board of health, and such members are hereby authorized to arrange for the necessary medical attention, which shall not exceed \$3 for each person immunized.

Tuberculosis—Made Reportable—Infected Persons Must Take Precautions to Prevent Infection of Others—Hospitalization, Quarantine, and Placarding. (Res. Bd. of H., July 3, 1919.)

Resolved, That tuberculosis of any form or organ whatsoever is hereby added to the list of diseases that must be reported to the State board of health by the attending physician within 12 hours after a diagnosis has been made.

Resolved, That no person having tuberculosis shall dispose of his sputum or saliva so as to cause offense or danger to any other person or persons. It shall be the duty of every local board of health to investigate every complaint that is made of any violation of this regulation within the jurisdiction of such board and to take whatever steps may be necessary to abate any nuisance that is found to exist. For continued violation of this regulation after a patient has been instructed as to the proper disposal of his sputum, the said patient may be committed to a hospital for the care of the tuberculous, or the premises occupied by him may be placarded and he shall be quarantined on such premises until the placard is removed by the proper health authority.

Tuberculosis—Care of Colored Patients—Erection and Equipment of Additional Hospital Building. (Ch. 57, Act Apr. 2, 1919.)

SECTION 1. That the Delaware State Tuberculosis Commission be, and it is hereby, authorized to erect and equip on the site already acquired an additional hospital building to be used as a dispensary and for housing the super-

intendent, nurses, help, and others assisting in caring for the colored inhabitants of the State of Delaware afflicted with tuberculosis.

SEC. 2. The said commission shall have power to use the said additional hospital building, when erected, for any or all of the aforesaid purposes, as in the judgment of the said commission may be proper and expedient.

SEC. 3. To defray the cost of erecting and equipping the said hospital building the sum of \$7,500 is hereby appropriated out of the money in the State treasury not otherwise appropriated, and the State treasurer is hereby authorized from time to time to pay out the same upon requisition of the chairman of the said commission, or such member of the commission as may be selected by it to sign such requisition in the absence of the chairman.

Rabies—Killing of Dogs That Have Bitten Persons—Local Boards of Health to be Notified Regarding Animals Infected or Suspected of Being Infected. (Res. Bd. of H., Oct. 2, 1919.)

Resolved, That no dog that has bitten a human being shall be killed by the owner or by any other person until at least 10 days after the person was bitten unless the physical condition of the animal makes it plainly apparent before that time that it is suffering from rabies.

And be it further resolved, That every person having in his possession or having knowledge of any animal affected with or suspected of being affected with rabies shall notify the local board of health at once in writing in sufficient detail so that such animal may be located.

Venereal Diseases—Notification of Cases—Unlawful for Infected Persons to Expose Others to Infection—Examination and Detention of Persons Suspected of Being Infected—Treatment—Isolation—Quarantine—Repression of Prostitution—Examination and Treatment of Prisoners—Regulations by State Board of Health—Annual Appropriation. (Ch. 53, Act Mar. 20, 1919.)

SECTION 1. That chapter 25 of the Revised Code of the State of Delaware be, and the same is hereby, amended by adding thereto the following section, to be styled as "740 A, section 5 A":

740 A. SEC. 5 A. That syphilis, gonorrhea, and chancroid, hereinafter designated as venereal diseases, are hereby declared to be contagious, infectious, communicable, and dangerous to the public health. It shall be unlawful for anyone infected with these diseases or any of them to expose another person to infection.

SEC. 2. Any physician or other person who makes a diagnosis in or treats a case of venereal disease, and any superintendent or manager of a hospital, dispensary, or charitable or penal institution in which there is a case of venereal disease, shall make a report of such case to the health authorities by number, without name and address, so long as the patient shall obey the rules and regulations of the State board of health.

SEC. 3. State, county, and municipal health officers, or their authorized deputies, within their respective jurisdictions, are hereby directed and empowered, when in their judgment it is necessary to protect the public health, to make examinations of persons reasonably suspected of being infected with venereal disease and to detain such persons until the results of such examinations are known, to require persons infected with venereal disease to report for treatment to a reputable physician and continue treatment until cured or to submit to treatment provided at public expense until cured, and also, when in their judgment it is necessary to protect the public health, to isolate or quarantine

persons infected with venereal disease. It shall be the duty of all local and State health officers to investigate sources of infection of venereal disease, to cooperate with the proper officials whose duty it is to enforce laws directed against prostitution, and otherwise to use every proper means for the repression of prostitution.

SEC. 4. All persons who shall be confined or imprisoned in any State, county, or city prison in the State shall be examined for, and if infected treated for, venereal diseases by the health authorities or their deputies. The prison authorities of any State, county, or city prison are directed to make available to the health authorities such portion of any State, county, or city prison as may be necessary for a clinic or hospital wherein all persons who may be confined or imprisoned in any such prison, and who are infected with venereal disease, and all such persons who are suffering with venereal disease at the time of the expiration of their terms of imprisonment, and in case no other suitable place for isolation or quarantine is available such other persons as may be isolated or quarantined under the provisions of section 3 shall be isolated and treated at public expense until cured, or in lieu of such isolation any of such persons may, in the discretion of the board of health, be required to report for treatment to a licensed physician or submit to treatment provided at public expense as provided in section 3. Nothing herein contained shall be construed to interfere with the service of any sentence imposed by a court as a punishment for the commission of crime.

SEC. 5. The State board of health is hereby empowered and directed to make such rules and regulations as shall in its judgment be necessary for the carrying out of the provisions of this act, including rules and regulations providing for the control and treatment of persons isolated or quarantined under the provisions of section 3, and such other rules and regulations, not in conflict with provisions of this act, concerning the control of venereal diseases, and concerning the care, treatment, and quarantine of persons infected therewith, as it may from time to time deem advisable. All such rules and regulations so made shall be of force and binding upon all county and municipal health officers and other persons affected by this act, and shall have the force and effect of law.

SEC. 6. Any person who shall violate any of the provisions of this act or any lawful rule or regulation made by the State board of health pursuant to the authority herein granted, or who shall fail or refuse to obey any lawful order issued by any State, county, or municipal health officer, pursuant to the authority granted in this act, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than a year, or by both such fine and imprisonment.

SEC. 7. The sum of \$2,500 is annually appropriated out of any funds in the State treasury not otherwise appropriated for the expenses of this act.

Venereal Diseases—Notification of Cases—Reports of Termination of Cases—Records and Reports by Druggists—Reports Confidential—Copy of Rules and Circular of Information to be Given Patient—Diagnosis—Reports to Military and Naval Authorities—Treatment for Indigent Persons—Isolation—Prohibited Occupations—Hospitalization—Periods of Infectiousness—Duties of Local Health Authorities—Placarding—Removal of Infected Persons to Other Health Jurisdictions—Examination, Quarantine, and Treatment of Inmates of Institutions. (Reg. Bd. of H., May 1, 1919.)

RULE 1. Reports of cases.—All cases of venereal disease shall be reported on forms furnished by the State board of health and known as Form V. D. No. 1.

RULE 2. When certain information may be omitted from report.—The correct name, explicit address of the diseased person, and the name and address of the employer of the diseased person may be omitted from the report only under the following conditions:

1. If the diseased person—

(a) Is not a prostitute, or is not suspected of being a prostitute, or is not an habitual associate of prostitutes;

(b) Is not in active service in the Military or Naval Establishments of the United States or of the State of Delaware;

(c) Gives satisfactory assurance of the faithful observance of the rules for the control of venereal diseases, of the precautions which may be taken to prevent the spread of infection, and of the instructions of the physician; and

(d) Agrees to report regularly to a reputable physician for advice and treatment; and

2. If the physician to whom the diseased person applies for treatment—

(a) Gives the diseased person full and proper instruction in the rules for the control of venereal diseases and in the precautions which must be taken to prevent the spread of the infection;

(b) Delivers to the diseased person a copy of these rules and regulations and a circular of advice and information on venereal diseases published or approved by the State board of health;

(c) Keeps an accurate and complete record of the name and address of the diseased person, the case or key number under which the case is reported, and such other information as may serve the purposes of identification and location;

(d) Places on prescriptions issued for such diseased person the case or key number under which the case is reported to the proper health authorities; and

(e) Assumes responsibility for the faithful observance by such diseased person of the rules for the control of venereal diseases and of all necessary precaution.

With each and every one of the above conditions complied with, the physician's report of the case to the proper health authorities may set forth the diseased person's case or key number in lieu of his name; the name of the city, village, or town in lieu of the name of the street and number of the premises at which he resides; and may omit the name and address of the employer of such diseased person.

RULE 3. Report of termination of case.—Upon termination of treatment of any case of venereal disease, the attending physician shall report the fact to the proper health authorities, giving name (or case or key number, as the case may be), the date upon which the case was terminated, and upon what grounds (i. e., cured, transferred to another physician, dismissed uncured, died, etc.). If the diseased person is dismissed uncured and is still in an infectious condition, the physician shall advise such diseased person what further treatment is necessary, and if no notification of transfer to another physician has been received by the physician dismissing the diseased person within 10 days after dismissal, the name and address of such dismissed patient shall be reported to the proper health authorities. (See rule 12 for conditions for termination of case by cure.)

RULE 4. Records kept by druggists; reports required.—Every druggist, pharmacist, or other person who sells any drug, specific, compound, or preparation of any kind for the cure or treatment of venereal diseases shall keep a record of the case and the address, color, and sex of the person making such

purchase, together with the name or description of the articles purchased, and shall make report thereof within 24 hours to the proper health authorities on forms provided for that purpose. In case, however, a person presents a bona fide prescription issued by a legally licensed physician, which shows on its face the case or "key number" of the patient, then the record kept by such druggist, pharmacist, or other person and the report thereof, shall, in lieu of the name and address, show such name or key number, and in addition thereto shall show the name of the physician who issued the prescription.

Such record shall, at all reasonable times, be open to the inspection of the proper health authorities.

RULE 5. Reports confidential.—All information and reports concerning persons infected with venereal diseases shall be considered as confidential and shall be inaccessible to the public.

RULE 6. Rules and circular of information.—Every physician and every person who treats a person afflicted with a venereal disease shall give to such diseased person a copy of these rules and also a circular of information and advice concerning venereal diseases, which circular will be furnished by the State board of health. Forms known as V. D. No. 2, No. 3, or No. 4 shall be furnished according to the nature of the disease.

RULE 7. Change of physician.—A physician upon being applied to for treatment for any venereal disease shall inquire of and ascertain from the person requesting such treatment if such person has consulted with or been treated by another physician, and, if so, shall ascertain the name and address of such physician and shall notify him in writing of such change of medical attendant. The physician last employed shall obtain from the physician previously employed the case or key number under which such person was reported to the health authorities and when the physician last employed makes a report of the case to the proper health authorities (which he shall do within 24 hours after he has first attended the patient) he shall in such report make proper notification of the transfer, indicating the name of the physician previously employed and the case or key number used by such physician when he reported the case. In case any person shall change his medical attendant without notification the physician previously consulted shall, within 10 days after the last appearance of such diseased person, report to the proper health authorities the name and address of such diseased person.

Nothing in these rules shall be construed to prohibit a diseased person from transferring from one physician to another for advice and treatment. Such transfer may be made by such person whenever he may elect to do so and the identity of such person shall not be revealed provided his case falls within rule 2 and the transfer is made in accordance with the requirements above set forth.

RULE 8. Diagnosis.—The local health authorities or the State board of health may require submission of specimens from actual or suspected cases of venereal diseases for the purpose of examination. When required to do so, either by the local health authorities or by the State board of health, each physician attending a case of venereal disease shall secure specimens for examination.

RULE 9. Application of diseased person to health authorities for diagnosis.—Any person treated for venereal disease who may suspect an incorrect diagnosis of his disease, or who may have a suspicion that he is being continued under treatment an unnecessary period of time, or who has been threatened that his identity will be revealed if he discontinues treatment, or for any other reason, may apply to the local health authorities or to the State board of health for

examination and advice, or he may transfer to another physician in accordance with the provision of Rule 7.

RULE 10. *Military and naval service.*—In case the report of a case of venereal disease to the local health authorities is of a person attached to the military or naval service of the United States, or of the State of Delaware, the local health authorities shall immediately so advise the medical officer of the military or naval organization to which the diseased person belongs, on Form V. D. No. 1.

RULE 11. *Treatment for the poor.*—Upon being advised of a case of venereal disease in any person who is unable to pay for the necessary medicine and medical attention the proper health authorities shall supply medicine and medical attention.

RULE 12. *Rules for isolation; control of quarantine.*—All cases of venereal diseases are subject to the following rules and regulations for isolation, control, and quarantine:

(1) Whenever, in the opinion of the physician responsible for the conduct of the diseased person, or of the health officer, isolation is necessary to protect the public health, such physician or health officer is authorized to isolate such diseased person. In establishing such isolation the physician responsible for the conduct of the diseased person, or the health officer, shall prescribe the rules to be followed by the patient.

(2) The physician or health officer shall exercise extraordinary diligence to see that the diseased person shall not expose others to infection.

(3) The diseased person shall not, during the period of infectiousness, be employed in or engaged in any of the following occupations:

(a) In the preparation, manufacture, or handling of milk, milk products, or foodstuffs.

(b) In any food-manufacturing or food-handling establishment.

(c) In the care of or nursing of children or of the sick.

(d) In any barber shop.

(e) In any other occupation the nature of which is such that the infection may be imparted to others.

(4) Whenever possible cases of venereal diseases should be removed to a hospital for treatment.

(5) The period of control in all cases shall continue throughout the period of infectiousness of the disease, and the following are regarded as the respective periods of infectiousness:

Periods of infectiousness—Syphilis.—Persons treated for syphilis shall be kept under continuous treatment until all lesions of the skin and mucous membrane are healed and until a negative Wassermann has been obtained, and for a period of not less than one year of continuous treatment.

Gonorrhea (males).—Before discharging cases as noninfectious the following requirements must be met:

1. Freedom from discharge.

2. Clear urine; no shreds.

3. The pus expressed from the urethra by prostatic massage must be negative for gonococci on four successive examinations at intervals of one week.

4. After dilation of the urethra by passage of a full-sized sound the resulting inflammatory discharge must be negative for gonococci.

Gonorrhea (females).—Before discharging cases as noninfectious the following requirements must be met:

1. No urethral or vaginal discharge.

2. Two successive negative examinations of secretions of the urethra, vagina, and the cervix for gonococci, with an interval of 48 hours and repeated on four successive weeks.

Chancroid.—Until all lesions are fully healed.

Technic for procuring smears from the cervix and urethra.—Smears or slides should be prepared from the secretions procured from the urethra and cervix. In preparing urethral slides the finger should be inserted in the vagina and expression made on the floor of the urethra from within outward, the cotton-tipped probe being then introduced well into the meatus. In procuring smears from the cervix a vaginal speculum should be introduced and the cervix well exposed. All secretions should be mopped away from the external os before taking the smear. After the cervix is well dried a probe, tightly wound with cotton, should be inserted into the cervical canal and rotated several times. It is exceedingly important that the secretion from the cervix shall be in reality cervical secretion and not mucus or pus from the vagina.

(6) When the disease becomes noninfectious the diseased person shall be discharged from control, isolation, and quarantine.

RULE 13. When rule 12 enforced by physician.—In case the physician reports the diseased person by case or "key number" such physician shall be charged with the strict enforcement of rule 12. When the physician has reason to believe that the diseased person is not complying with rule 12 and is not taking precautions necessary to prevent the spread of the disease he shall immediately report the correct name and address of the person to the proper health authorities.

RULE 14. When rule 12 enforced by local health authorities; general duties of local health authorities.—In addition to the other duties prescribed by these rules the local health authorities shall:

(1) Use every available means to ascertain the existence of venereal disease.
(2) Ascertain, so far as possible, the sources of infection and all exposures to the same.

(3) Make examinations of persons reasonably suspected of having venereal diseases; and owing to the prevalence of such diseases among prostitutes, and persons associated with them, all such persons may be considered within this class.

(4) Examine known or suspected prostitutes committed to or detained in any police station, jail, prison, or workhouse to ascertain the existence of any venereal disease, and if any such person is found to be affected with a venereal disease to quarantine such person until it is definitely ascertained that quarantine may be terminated without endangering the public health.

(5) Appoint women physicians when so requested by a female who is to be examined for the purpose of ascertaining the existence of venereal diseases, when the appointment of such women physicians is practicable and feasible.

(6) Cooperate with proper officials whose duty it is to enforce laws against prostitutes and otherwise use means for the suppression of prostitutes.

(7) Keep all records pertaining to inspection and examination in files not open to public inspection and to make every reasonable effort to keep secret the identity of those affected by venereal disease control, so far as may be consistent with the public health.

(8) Report to the State board of health on forms furnished for that purpose.

RULE 15. Placarding.—Premises on which the diseased person can not be isolated or controlled may be placarded with cards furnished by the State board of health, but no placard shall be placed on any premises unless the

diseased person will not consent to removal to a hospital or sanatorium during the period of infectiousness or unless he violates rule 12 of these regulations.

Defacement or concealment of such placards or their removal otherwise than by the local or State health authorities is strictly prohibited.

RULE 16. Removal from one health jurisdiction to another.—No person having a venereal disease shall move or be moved from one health jurisdiction to another without first obtaining from his attending physician or from the local board of health a permit therefor (Form V. D. No. 5), which he agrees to deposit within one week with the physician or local board of health at the place of destination. Such physician or local board of health must follow the instruction given on such form.

RULE 17. Examination of inmates of jails, etc.—Any person committed to or confined in any jail, house of correction, or other penal or correctional institution or detention hospital, or in any State, county, or city charitable institution, either temporarily or for a definite period of time, shall at the time of admission thereto be given a thorough medical examination to determine the existence of any venereal disease, and if such person is found to be infected with a venereal disease such person shall be removed promptly to quarters where proper treatment and control can be had, and there held in quarantine until such time as it may be definitely ascertained that quarantine may be terminated without endangering the health of other inmates or the health of the public.

RULE 18. Definitions.—The following words and phrases as used in these rules shall be defined as follows:

"Proper health authorities," the State Board of Health of Delaware, and for Wilmington cases both the State and city boards of health.

"Venereal diseases," (a) syphilis in the infectious stages; (b) active gonococcus infection; or (c) chancroid.

"Prostitute," a person known to be practicing sexual intercourse promiscuously.

"Diseased person," one infected or suspected of being infected with venereal disease.

RULE 19. Giving false information.—It is a violation of these rules for any diseased person, or for any physician, drugless healer, pharmacist, dentist, hospital superintendent, attendant, nurse, or other person of whom information is required by these rules to give knowingly an incorrect name and address or to impart false information.

RULE 20. Penalties.—Any person who shall fail, neglect, or refuse to enforce these rules, and any person who violates them, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than a year, or by both such fine and imprisonment.

Venereal Diseases—Free Treatment. (Res. Bd. of H., July 3, 1919.)

Resolved, That any physician may obtain salvarsan or neosalvarsan free of charge upon application at the office of the State board of health: *Provided*, That such physician gives the name of the patient and certifies in his application that he is treating the patient free of charge.

And be it further resolved, That arrangements will be made for the free treatment of any person who is suffering from a venereal disease, provided such person applies at the office of the State board of health or to a member of the State board of health for treatment.

Prostitution, Lewdness, and Assignment—Examination and Treatment for Venereal Diseases of Persons Convicted of. (Ch. 233, Act Apr. 2, 1919.)

SEC. 5. * * * (c) That probation or parole shall be granted or ordered in the case of a person infected with venereal disease only on such terms and conditions as shall insure medical treatment therefor and prevent the spread thereof, and the court may order any convicted defendant to be examined for venereal disease.

Pathological and Bacteriological Laboratory—Annual Appropriation. (Ch. 56, Act Apr. 2, 1919.)

That chapter 25 of the Revised Code of the State of Delaware be, and the same is hereby, amended by repealing 788, section 53 thereof, and by substituting in lieu thereof the following section, to be styled as 788, section 53.

788. SEC. 53. The sum of \$10,000 annually is appropriated out of any funds in the State treasury not otherwise appropriated, for the pathological and bacteriological laboratory, for the payment of salaries and all other expenses of said laboratory; the said appropriation shall be drawn upon in accordance with the provisions of sections 19 to 28, inclusive, of chapter 15. The accounts shall be audited by the auditor of accounts annually as now required for other accounts of the State board of health.

State Board of Health—Ordinary and Emergency Expenses of—Required to Take All Needful Measures in Case of Actual or Threatened Epidemic. (Ch. 52, Act Apr. 10, 1919.)

SECTION 1. That chapter 25 of the Revised Code of the State of Delaware be and the same is hereby amended by repealing 740, section 5 thereof, and by substituting in lieu thereof the following section, to be styled "740, section 5":

740. SEC. 5. All the necessary expenses of the State board of health, incurred in accordance with the provisions of law, shall be paid by the treasurer of the State, out of moneys not otherwise appropriated, upon the order of the president of the board, countersigned by the secretary, as provided by section 20 of chapter 16: *Provided*, That all the expenses of the said State board of health shall not exceed in any one year the sum of \$6,000: *And provided, also*, That in the event of an epidemic or pestilential disease occurring in the State, or threatened from without the State, the Board of Health of the State of Delaware shall forthwith cause all needful, sanitary measures, and precautions to be taken which the emergency may call for and which may be consistent with law and which shall be approved by the governor, said approval to be expressed in writing; and to [sic] the said board, with the approval of the governor, is authorized to draw upon the State treasurer, in favor of the board, for such an additional amount as may be found, by the governor and the State board of health to be necessary to control and stamp out the epidemic or pestilential disease; said money to be paid out of any unappropriated money in the State treasury, and to be applied and expended under the direction of the governor and the State board of health, in carrying out such needful, sanitary measures and precautions. Said emergency appropriation shall only be used in case, in the opinion of the governor and the State board of health, the provisions of article 738, section 3, are not sufficient to combat the emergency concerning the public health, or said provisions of article 738, section 3, would be too great a burden for any local part of the State to bear.

Issuance of Certificates by the Medical Council—State Board of Health to be Notified. (Ch. 58, Act Mar. 20, 1919.)

That chapter 27 of the Revised Code of the State of Delaware be, and the same is hereby, amended by adding thereto the following section, to be styled as 847A, section 14A:

847A, SEC. 14A. The secretary of the medical council shall, immediately upon issuing a certificate, notify the secretary of the State board of health of such fact or facts, giving to the State board of health the full name and address of said person or persons, and the date of issuing said certificate. This provision shall also apply to those given certificates under reciprocity and to internes in hospitals.

Issuance of Certificates to Undertakers or Undertakers' Assistants—State Board of Health to be Notified. (Ch. 60, Act Apr. 9, 1919.)

That chapter 32 of the Revised Code of the State of Delaware be, and the same is hereby, amended by adding thereto the following section, to be styled as 910A, section 3A:

910A, SEC. 3A. The secretary of said board shall, immediately upon issuing a renewal certificate or the granting of a new certificate to an undertaker or undertaker's assistant, notify the secretary of the State board of health of such fact or facts, giving to the State board of health the full name and address of said person or persons or company or corporation and the date of issuing said certificate.

Local Boards of Health—Annual Report of Activities to be Filed with State Board of Health. (Res. Bd. of H., July 3, 1919.)

Resolved, That it shall be the duty of the secretary of every local board of health to keep proper records of the activities of such board and to file with the State board of health before February 15 of each year a detailed report of such activities for the preceding year. Such report shall contain such information as may be requested by the State board of health and shall be made out on blanks furnished by the said State board.

Milk and Cream—Production, Handling, and Sale. Ice Cream—Grade of Milk and Cream Used in. (Reg. Bd. of H., May 1, 1919.)

1. *Standards.*—*a.* The bacteria count of raw milk shall not exceed 100,000 per cubic centimeter at any time previous to delivery to the consumer.

b. The bacteria count of pasteurized milk shall not exceed 50,000 per cubic centimeter from the time it is pasteurized until it is delivered to the consumer.

c. The percentage of butter fat shall not be less than 3.25.

d. The percentage of solids not fat shall not be less than 8.50.

e. No milk shall be sold which contains more than a very few minute particles of sediment.

f. No milk shall be sold which contains any preservatives or other material not found in normal milk.

2. *Labeling.*—*a.* Every container in which milk is delivered shall contain either the name or trade name of the producer or distributor.

b. No false or misleading statements shall be placed upon any milk container.

c. No misleading word or sign shall be used in or upon any wagon or store from which milk is sold.

d. No milk container, milk wagon, or store from which milk is sold shall contain any statement which tends to convey the impression that the milk is especially suitable for infant feeding unless such sign or label contains a license number that will be issued by the State board of health after investigation by that board shows that the milk is worthy of such special designation.

e. No pasteurized milk shall be sold unless it is conspicuously labeled "pasteurized," together with the date or day of pasteurization.

3. *Pasteurization.*—a. No pasteurized milk shall be sold as such unless it has been heated to a temperature of 145° F. and held at that temperature for 30 minutes and immediately thereafter cooled to a temperature not higher than 50° F.

b. No milk which has been artificially heated in any way shall be sold as raw milk.

c. Every pasteurizing plant shall be provided with an automatic recording and regulating device.

d. No pasteurized milk shall be sold unless the pasteurization has been performed in a plant that has been licensed by the State board of health, and the license must be conspicuously displayed in such place at all times.

4. *Cows.*—a. No milk shall be sold unless the cows from which it is obtained are healthy as shown by a thorough physical examination by a competent veterinarian within a period of six months, such examination to be certified to the State board of health by the examining veterinarian.

b. It is recommended that local boards of health adopt an additional requirement that no raw milk shall be sold in their respective communities unless the cows from which it is obtained have passed a satisfactory tuberculin test within 12 months.

c. No milk shall be sold unless the cows from which it is obtained are kept clean and are stabled under light, clean, and well-ventilated conditions.

5. *Utensils.*—a. All milk utensils that are used in the production, handling, and distribution of milk shall be sterilized after each separate use.

b. No cans or other utensils that are rusty or that are in such a condition that they can not be thoroughly cleaned shall be used in the production, handling, or delivery of milk.

6. *Employees.*—a. All persons who are engaged in the handling of milk shall be free from disease, and local boards of health are hereby authorized to take any reasonable step to determine this fact.

7. *Cream.*—a. No cream shall be sold unless it is produced, handled, and delivered in conformity with the requirements herein set forth for milk, except that the minimum standard for butter fat shall be 18 per cent and the maximum permissible bacteria count shall be 500,000 for raw cream and 250,000 for pasteurized cream.

8. *Ice cream.*—a. All milk or cream that is used in the manufacture of ice cream shall be of a grade that can be sold legally as milk or cream.

9. *General regulations.*—a. All milk and cream shall be cooled as soon as possible after production and shall be kept at a temperature not exceeding 60° F., except while being pasteurized, until it is delivered to the consumer.

b. Additional regulations concerning the delivery of milk will be furnished by the State board of health upon request; and the foregoing regulations, which have the effect of law, will be supplemented from time to time as conditions warrant.

c. Local boards of health are hereby required to enforce these regulations, and it is recommended that they adopt such additional detailed regulations as may be necessary to obtain a safe milk supply.

10. *Penalty.*—*a.* Any person who violates any of the regulations above set forth shall, upon conviction thereof, be fined not less than \$5 nor more than \$25 with costs.

Foodstuffs—Protection from Contamination. (Res. Bd. of H., July 3, 1919.)

Resolved, That no person shall display for sale any of the following articles of food unless the same are completely protected by suitable coverings from flies, dust, and dirt, and all other contamination: Prepared foodstuffs, such as bakery goods, confectionery, shelled nuts, etc.; dried fruits; cereal products; pickled products; fruit products, such as jellies, jams, etc.; meat products, such as veal loaf, chipped beef, mincemeat; salted or smoked fish; or other foods prepared for eating or subject to the attacks of worms or flies.

And be it further resolved, That no person shall display or expose for sale any fruits, vegetables, meats, or any other food products on the sidewalk or outside of any store unless upon stands at least 18 inches above the ground nor unless such foods are completely protected by suitable coverings from flies, dust, and dirt, and other contamination: *Provided,* That vegetables and fruits which are necessarily cooked or whose outside surface is usually removed before being eaten need not be covered.

Utensils Used in Public Eating and Drinking Places—Sterilization. (Res. Bd. of H., May 1, 1919.)

Resolved, That no glass, cup, spoon, fork, or other utensil used for the public sale or dispensing of liquids, beverages, drinks, food, or other refreshment, for consumption in or about the place of sale or dispensing, shall be again used unless the same be thoroughly cleansed and scalded with clean, boiling water or otherwise sterilized.

It is recommended that proprietors of soda-water fountains and other places from which soft drinks are sold comply with this requirement by the use of single-service containers.

Fly-Breeding and Mosquito-Breeding Places Prohibited. (Res. Bd. of H., July 3, 1919.)

Resolved, That no person shall maintain or permit to be maintained within 500 feet of any dwelling, store, hotel, restaurant, or other building in which food is handled any accumulation of decomposing animal or vegetable matter in which fly larvæ exist.

Resolved, That the State board of health hereby declares that any accumulation of water in which mosquito larvæ breed is a nuisance, and all local boards of health are instructed to abate all such nuisances within their respective jurisdictions or within 1 mile thereof.

Habit-Forming Drugs—Possession, Sale, and Dispensing—Commitment of Drug Addicts—Revocation of Licenses of Physicians, Dentists, Veterinarians, Pharmacists, and Nurses—Possession and Sale of Hypodermic Instruments. (Ch. 214, Act Feb. 24, 1919.)

SECTION 1. That article 40 of chapter 100 of the Revised Code of the State of Delaware be, and the same is hereby, amended by repealing 3595, section 160, and substituting in lieu thereof the following:

3595, SEC. 160. It shall be unlawful for any person to sell, barter, exchange, distribute, give away, or in any manner dispose of, at retail or to a consumer, opium or coca leaves, morphine, cocaine, chloral hydrate, alpha or beta eucaine,

heroin, codeine, or any compound, manufacture, salt, derivative, or preparation thereof, or any synthetic substitute therefor (hereinafter called narcotic drugs), within this State except upon the original written prescription of a duly licensed physician, dentist, or veterinary surgeon, and pursuant to all the requirements of this act.

3595A, SEC. 160A. That the provisions of this act shall not be construed to apply to the sale, barter, exchange, distribution, giving away, dispensing, or the disposition in any manner, or the possession within this State of preparations and remedies which do not contain more than 2 grains of opium, or more than one-fourth of a grain of morphine, or more than one-eighth of a grain of heroin, or more than 1 grain of codeine, or any salt or derivative of any of them in 1 fluid ounce; or, if a solid or semisolid preparation, in 1 avoirdupois ounce; or to liniments, ointments, or other preparations which are prepared for and can be used for external use only, except liniments, ointments, and other preparations which contain cocaine or any of its salts, or alpha or beta eucaine or any of their salts, or any synthetic substitute for them: *Provided*, That such remedies and preparations are sold, distributed, given away, dispensed, or possessed in good faith as medicines and not for the purpose of evading the intendment and provisions of this act. The provisions of this act shall not apply to decocainized coca leaves or preparations made therefrom or to other preparations of coca leaves which do not contain cocaine.

3595B, SEC. 160B. That the original written prescription required by the provisions of section 160 of this act shall be signed in full by the duly licensed physician, dentist, or veterinary surgeon issuing it and dated as of the day on which so signed, and shall also indicate the office address, office hours, and telephone number of such duly licensed physician, dentist, or veterinary surgeon, the name, age, and address of the person to whom such written prescription is issued, and when given by a duly licensed veterinary surgeon shall indicate, in addition, the kind of animal for the treatment of which such written prescription is issued. No written prescription containing more than 4 grains of morphine, 30 grains of opium, 2 grains of heroin, 4 grains of codeine, or 2 grains of cocaine, shall be filled unless the due issuance and correctness thereof be first verified. No written prescription shall be filled without sufficient verification if for any reason the proper issuance and presentation thereof appears questionable. Such verification may be made by telephone or by some other sufficient method. Such written prescription shall be exactly filled as soon as received, or as soon thereafter as practicable, but no such written prescription shall be filled more than 10 days subsequent to the date on which it was signed. The person filling such written prescription shall write or indicate thereon the date of filling and the date when, and the name, age, and address of the person to whom he delivers the drugs so prescribed, and there shall be annexed to such prescription after filling a certificate signed by the person receiving such drugs, stating that such have been received by him. Such written prescription shall be filled but once, and shall not be copied, except for the purpose of record by the duly licensed physician, dentist, or veterinary surgeon issuing it, or by the person filling it, and shall be preserved on file, receiving a consecutive file number, by the person filling it, for a period of two years from the day on which such prescription is filed in such a way as to be readily accessible to inspection by the officers, agents, employees, and officials mentioned in section 160H of this act.

3595C, SEC. 160C. No person shall sell, barter, exchange, distribute, give away, or in any manner dispose of any narcotic drug mentioned in section 160

of this act without affixing to the bottle, package, vessel, box, or container a label containing the name of the article and the word "poison" distinctly shown, and the name and address of the seller printed in red ink, together with the date of filling, the name, age, and address of the person to whom delivered or sold, the name and address of the physician, dentist, or veterinary surgeon issuing the prescription written plainly thereon; a narcotic drug so delivered or sold shall always be kept in such original container until actually used.

3595D, SEC. 160D. That it shall be unlawful for any duly licensed physician, dentist, or veterinary surgeon to issue the written prescription required by section 160 of this act except in good faith, and in the course of his professional practice for medicinal purposes only. It shall be unlawful for any duly licensed veterinary surgeon to prescribe any of the drugs mentioned in this act for the treatment of or consumption by a human being. No person shall issue a prescription for a narcotic drug to a minor.

3595E, SEC. 160E. That a duly licensed physician, dentist, or veterinary surgeon may dispense, distribute, or in any manner give within this State to his patient any of the drugs mentioned in this act: *Provided*, Such dispensing, distribution, or giving is made in good faith and in the course of his professional practice for medicinal purposes only: *Provided further*, That such duly licensed physician, dentist, or veterinary surgeon shall keep a record of all such drugs so dispensed, distributed, or given, the date when, and the name and address of the patient to whom such drugs are so dispensed, distributed, or given, except such drugs as may be dispensed, distributed, or given to a patient upon whom such duly licensed physician, dentist, or veterinary surgeon shall personally attend; and such record shall be kept for a period of two years from the date of dispensing, distributing, or giving such drugs, subject to the inspection provided for in section 160H of this act. It shall be unlawful for any duly licensed veterinary surgeon to dispense, distribute, or give away any of the drugs mentioned in this act for the treatment of or consumption by a human being.

3595F, SEC. 160F. That, except as provided in the preceding sections of this act, it shall be unlawful for any person to sell, barter, exchange, distribute, give away, or in any manner dispose of within this State the drugs mentioned in this act, except in pursuance of a written order in the form defined in this section of the person to whom any such drug is sold, bartered, exchanged, distributed, given away, or in any manner disposed of. Every person who shall accept any such order, and in pursuance thereof, shall sell, barter, exchange, distribute, give away or in any manner dispose of any of the aforesaid drugs shall preserve such order for a period of two years in such a way as to be readily accessible to inspection by the officers, agents, employees, and officials mentioned in section 8 of this act. Every person who shall give an order, as in this section provided, to any other person for any of the aforesaid drugs, shall, at or before the time of giving such order, make or cause to be made in duplicate thereof in the form defined in this section, and in the case of the acceptance of such order, shall preserve such duplicate for said period of two years in such a way as to be readily accessible to inspection by the officers, agents, employees, and officials mentioned in section 8 of this act. The official order forms and the duplicate copies thereof issued by the Commissioner of Internal Revenue of the United States Treasury Department under the act of Congress approved December 17, 1914, entitled, "An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes," shall be the official order forms

and duplicate copies thereof required by this section. It shall be unlawful for any person to obtain by means of said order forms any of the aforesaid drugs for any purpose other than the use, sale, or distribution thereof by him in the conduct of a lawful business in said drugs or in the legitimate practice of his profession, pursuant to the intendment of this act. The provisions of this section requiring official order forms shall not apply—

(a) To the sale, exportation, shipment, or delivery of any of the aforesaid drugs by any person within this State to any person in any foreign country, regulating their entry in accordance with such regulations for importation thereto into such foreign country as are prescribed by the said country, pursuant to such regulations as are promulgated from time to time by the Secretary of State of the United States.

(b) To the sale, barter, exchange, or giving away of any of the aforesaid drugs to any officer of the United States Government or of any State, Territorial, district, county, or municipal or insular government lawfully engaged in making purchases thereof for the various departments of the Army and Navy, the Public Health Service, and for Government, State, Territorial, district, county, or municipal or insular hospitals or prisons.

3595G, SEC. 160G. *Record of receipts.*—That any person who produces, manufactures, compounds, deals in, dispenses, sells, distributes, gives away, or in any manner disposes of within this State any of the drugs mentioned in this act shall, whenever required so to do by the State board of health, or any peace officer, render to said State board of health or any peace officer a true and correct statement or return verified by affidavit setting forth the quantity of the aforesaid drugs received by him in this State during such period immediately preceding the demand of the State board of health, or any peace officer, not exceeding three months, as the said State board of health, or any peace officer, may fix and determine; the names of the persons from whom said drugs were received; the quantity in each instance received from each of such persons and the date when received.

3595H, SEC. 160H. That the order forms and duplicate copies thereof, the prescriptions and other records required to be preserved under the provisions of sections 160B, 160E, and 160F of this act, and the statements or returns under the provisions of section 160G of this act, shall be open to inspection by the officers, agents, and employees of the United States Treasury Department duly authorized to make similar inspection under the act of Congress approved December 17, 1914, hereinbefore mentioned. Any such officer, agent, or employee who shall disclose or use the information contained in said statements or returns, or in said order forms or duplicate copies thereof, or in the other records mentioned in this section, except as herein expressly provided, and except for the purpose of enforcing the provisions of this act or the act of Congress approved December 17, 1914, hereinbefore mentioned, and except for the purpose of enforcing any ordinance of any organized town or municipality within this State regulating the sale, prescribing, dispensing, dealing in, or distribution of the aforesaid drugs, and except in the public interest, unless directed by a court, shall, on conviction, be fined or imprisoned as provided in section 160P of this act.

3595I, SEC. 160I. That whenever a complaint shall be made to any justice of the peace that any person is addicted to the use of the drugs mentioned in this act in a manner contrary to the public welfare, and such use is not prescribed, directed, or approved by a duly licensed physician acting in the course of his professional practice, and such justice of the peace, after a fair hearing held upon a reasonable notice, is satisfied that the complaint is sufficiently

founded he may commit such person to a State, county, or city hospital or institution. Whenever it shall appear to any justice of the peace that such person is no longer addicted to the use of the aforesaid drugs in a manner contrary to the public welfare, or in his discretion, he may order a discharge from such commitment. The provisions of this section shall not be construed to prohibit any person committed to any institution under its provisions from appealing to any court having jurisdiction for a review of the sufficiency of the evidence upon which the commitment was made.

3595J, Sec. 160J. That the board or officers of this State duly empowered to issue a license to a physician, dentist, veterinary surgeon, pharmacist, or nurse, authorizing the practice of such professions in this State may, at any time, and after a fair hearing held upon a reasonable notice, revoke such license upon the production of sufficient evidence that the licensee is addicted to the use of the drugs mentioned in this act in a manner contrary to the public welfare. Whenever it shall appear to such board or officers that such physician, dentist, veterinary surgeon, pharmacist, or nurse is no longer addicted to the use of the aforesaid drugs in a manner contrary to the public welfare they may reissue said license.

3595K, Sec. 160K. That a duly licensed physician, dentist, veterinary surgeon, pharmacist, or nurse duly convicted of a substantial violation of this act shall be liable to a revocation of his license by the board or officers of this State duly empowered to issue such license, after a fair hearing upon a reasonable notice, provided such revocation shall be in the public interest. Such board or officers may in their discretion reissue such license.

3595L, Sec. 160L. That it shall be unlawful for any person to send, ship, carry, or deliver any of the aforesaid drugs within this State in a manner contrary to the provisions of this act: *Provided*, That nothing contained in this section shall be construed to apply to the delivery of the aforesaid drugs to common carriers or warehouseman, provided the requirements of this act are in all other respects complied with; or to the handling of the aforesaid drugs by any employee or agent, acting within the scope of his employment or agency, of any person dealing in such drugs pursuant to all requirements of this act; or to the delivery of the aforesaid drugs by a duly licensed physician, dentist, or veterinary surgeon, to a nurse for administration to his patient under the direction and supervision of such duly licensed physician, dentist, or veterinary surgeon in the course of his professional practice.

3595M, Sec. 160M. *Unlawful possession defined.*—That it shall be unlawful for any person to have in his possession or under his control any of the drugs mentioned in this act, if such possession or control is obtained in a manner contrary to the provisions of this act; and such possession or control shall be presumptive evidence of a violation of this act: *Provided*, That this section shall not apply to the possession or control of the aforesaid drugs by any employee or agent acting within the scope of his employment or agency, of any person dealing in such drugs pursuant to all the requirements of this act, and such possession or control does not operate to evade any of the provisions or the intentment of this act; or to the possession or control by a nurse for medicinal treatment only, and not on his own account, acting under the supervision and direction of a duly licensed physician, dentist or veterinary surgeon engaged in the legitimate practice of his profession; or to the possession or control of the aforesaid drugs by any United States, State, county, municipal or other duly authorized public officer or official who has such possession or control by reason of his official duties; or to the possession or con-

trol of the aforesaid drugs by a warehouseman or a common carrier holding such possession or control under the direction of a person who has received such drugs pursuant to the requirements of this act: *Provided further*, That it shall not be necessary to negative any of the aforesaid exemptions in any complaint, information, or indictment, or other writ or proceeding laid or brought under this act, and the burden of proof of any such exemption shall be upon the defendant.

3595N, SEC. 160N. It is unlawful for any person to sell at retail or to furnish to any person other than a duly licensed physician, dentist, or veterinary surgeon, an instrument commonly known as a hypodermic syringe or an instrument commonly known as a hypodermic needle, or any instrument adapted for the use of narcotic drugs by subcutaneous injection, without a written order of a duly licensed physician, dentist, or veterinary surgeon. Every person who disposes of or sells at retail, or furnishes or gives away to any person the above instruments, upon the written order of a duly licensed physician, dentist, or veterinary surgeon, shall before delivering the same, enter in a book kept for that purpose the day of the sale, the name, age, and address of the purchaser, and a description of the instrument sold, disposed of, furnished, or given away. It shall be unlawful for any person or persons, except a licensed pharmacist, licensed druggist, licensed physician, licensed dentist, licensed veterinary surgeon, hospital, or regular dealer in medical or surgical supplies, to possess such instrument without having in their possession a certificate from a physician certifying that the possession of such instrument is necessary for the treatment of injury, deformity, or disease then suffered by the person possessing the same, of [or] if possessed by a nurse, a certificate from a duly licensed physician that such possession is for professional purposes. Any person or persons who sell, dispose of, or give away any instrument commonly known as a hypodermic syringe, or an instrument commonly known as a hypodermic needle, or any instrument adapted for the use of narcotic drugs by subcutaneous injection, except in the manner prescribed in this section, shall be guilty of a misdemeanor: *Provided, however*, That any person owning or having in his possession any such hypodermic syringe or hypodermic needle, or any instrument adapted for the use of narcotic drugs by subcutaneous injection at the time this section takes effect, may lawfully keep or retain the same upon obtaining from a duly licensed and registered physician, dentist, or veterinary surgeon, within 10 days after this section shall take effect, a certificate to the effect that such syringe, needle, or instrument was purchased before this section took effect, and that such syringe, needle, or instrument may be required for future use for treatment of an injury, deformity, or disease from which the person possessing the instrument is then suffering.

3595O, SEC. 160O. That the word "person" as used in this act shall be construed to mean and including a partnership, association, company, or corporation, as well as a natural person.

3595P, SEC. 160P. That any person who violates or fails to comply with any of the requirements of this act shall be guilty of a misdemeanor, and shall be punished by a fine of not more than \$1,000, or by imprisonment for not more than three years, or by both such fine and imprisonment in the discretion of the court.

3595Q, SEC. 160Q. It shall not be necessary to negative any exemption in any complaint, information, or indictment, or other writ or proceeding laid or brought under this act, and the burden of proof of any such exemption shall be upon the defendant.

Privies—Required to be Fly Proof. (Res. Bd. of H., May 1, 1919.)

Resolved, That no person shall maintain or use any privy or other receptacle for human excrement unless such privy or other receptacle is so constructed and maintained that flies can not gain access to the excremental matter contained therein.

The State board of health will furnish upon request detailed information regarding the construction of sanitary privies and it will send a representative to confer with any local board of health in regard to the measures that must be adopted by that board to secure compliance with this regulation.

Privies—Prohibited Where Sewer Connections Are Possible—Required to be Fly Proof. (Res. Bd. of H., July 3, 1919.)

Resolved, That no privy shall hereafter be maintained on a lot abutting on a street in which there is a public sewer, and local boards of health are hereby instructed to take the necessary steps to enforce this regulation within 60 days.

In case it is impossible to connect the property with a public sewer the privy or other receptacle for human excrement shall be so constructed and maintained that flies can not gain access to the excremental matter contained therein.

This resolution must be enforced immediately by every local board of health.

Births, Deaths, and Marriages—Registration—Burial Permits. (Reg. Bd. of H., May 1, 1919.)

General regulations.—1. Every requirement of the vital statistics law will be enforced.

2. The State registrar is hereby authorized to appoint additional local subregistrars wherever necessary.

3. Local subregistrars shall, wherever possible, be members of or employees of local boards of health.

4. Every blank on every certificate must be filled out legibly in black ink or the certificate will not be accepted.

5. Certificate forms used by other States will not be accepted for Delaware returns.

6. No fees will be allowed physicians, clergymen, local registrars, or local subregistrars for certificates that are not properly made out and that are not filed within the time prescribed by law.

7. All certificates of births, deaths, and marriages must be forwarded to the State registrar not later than the 10th day of the month following the recorded event.

8. Every certificate shall be filed with the local registrar or local subregistrar of the incorporated town in which the event occurred, and if the event occurred outside of any incorporated limits, the certificate shall be filed with the nearest local registrar or local subregistrar, but in no case shall a certificate be sent to or filed by a registrar for a different registration district from that in which the event occurred.

9. In no case shall a person who is an underaker act as a registrar unless such undertaker is now acting as secretary of the local board of health for the district.

10. The State registrar shall return for correction all certificates that are not filled out in accordance with these requirements and he shall prosecute all

persons who continue to violate the law after having been warned in writing by the State registrar.

11. The forms on which transcripts are made by the local registrars shall be changed by the State registrar to comply with the requirements of the law.

12. Certificates for births that occur in hospitals shall contain a statement of the exact place of residence of the mother.

13. Certificates of deaths that occur in hospitals shall contain a statement of the exact place from which the patient was removed to the hospital.

14. Certificates of the marriage of persons who are only temporarily residing in the incorporated town or city in which the marriage is performed shall contain a statement as to the usual place of residence of both contracting parties.

15. Permits for the transportation of dead bodies by rail shall be obtained from the local registrar of the district in which the death occurred.

Special regulations for undertakers.—1. No certificate of death shall be presented to a registrar nor shall a burial permit be granted until such certificate is properly filled out.

2. Item No. 14 on the death-certificate blank must be signed by the person who furnishes the information.

3. Item No. 18 must be filled out in every case. If the patient has resided at the place of death for several years, that fact must be indicated.

4. While the physician is responsible for item No. 17, the undertaker may save himself a return trip to the physician if he will see that this item is completely filled out before accepting the certificate from the physician.

5. A burial permit must be obtained before the burial of a body or before its removal from the local registration district, and in case difficulty is experienced in obtaining the death certificate from the attending physician, the State registrar should be notified.

6. No registrar is authorized to issue a burial permit for a death that occurs outside of his own district, but when a death occurs outside of an incorporated town the burial permit may be obtained from the nearest registrar in the same main registration district.

7. No undertaker shall bury a body until after he has presented a proper burial permit to the official in charge of the cemetery, and in case there is no such official the burial permit shall be mailed to the State registrar not later than the day of the burial.

8. Undertakers will not be required to send postal-card reports of deaths to the State registrar after July 1, 1919.

9. Any undertaker who furnishes a casket, case, or box to any person who is not a duly registered undertaker shall immediately notify the State registrar to that effect and shall furnish such information as may be requested by the State registrar in regard to the matter.

10. The exact location of the cemetery in which interment is made should be stated.

11. All certificates of death must be filed within 72 hours after death regardless of the date of burial.

12. When the place of birth of the deceased was in Delaware, the exact place of birth must be recorded.

Special regulations for physicians.—1. All certificates of births must be filed within 10 days of the date of birth.

2. Every birth certificate shall contain a statement of the prophylactic used to prevent inflammation of the eyes of the new born. (This is a State law.)

3. It shall be the duty of every physician to impress upon parents the importance of having the full name of the child appear upon the birth certificate,

and he shall make every effort to see that the certificate is complete in this respect before forwarding it to the local registrar; but in no case shall a certificate be held up beyond the 10 days allowed by law in order to obtain the name of a child.

4. Every physician shall notify the State registrar within 24 hours, on forms supplied by the State registrar, of every death of which he has professional knowledge. (This is a State law.)

5. The death certificate must contain full information as to the date on which the patient was last seen alive by the attending physician, and information as to the duration of both the main and contributory causes of death.

6. The cause of death must be set forth in such a definite manner that it can be classified according to the recognized international system.

Special regulations for cemetery keepers.—1. No cemetery keeper, sexton, superintendent, or other person or official in charge of any cemetery in the State of Delaware shall permit the burial therein of any dead body of a human being until after the presentation to him by the undertaker, or other person in charge of the dead body, of a burial permit properly made out and signed by the local registrar of the district in which the death occurred, or of the district to which the body was transported for burial.

2. All burial permits shall be kept on file in chronological order by the cemetery official referred to in section 1.

Special regulations for local subregistrars.—1. Every local subregistrar shall see that every certificate is properly filled out before it is accepted by him, and he shall return all incomplete certificates for correction.

2. Every local subregistrar shall record on each certificate the date on which it is filed and shall sign his name thereto, and he shall forward all certificates to the local registrar within 10 days of the day on which they are filed with him, and in all cases before the 3d day of the following month.

3. Every death certificate for a stillborn child or for a child who has lived less than a year should be checked back upon the birth records to determine whether the corresponding birth has been recorded.

4. No local subregistrar shall issue a burial permit for a death that occurred in another registration district nor shall he accept any certificate that should properly be filed with another registration official.

Special regulations for local registrars.—1. Local registrars shall see that all local subregistrars in their district comply with the requirements hereinbefore set forth.

2. Every local registrar shall examine all certificates as soon as they are received by him and he shall see that necessary corrections or additions are made at once. If certificates are not filed within the time provided by law, he shall take the necessary steps to prevent a repetition of the violation, and in case he has difficulty in enforcing the law he shall report the fact, together with full details, to the State registrar, who will take proper action.

3. Every local registrar shall forward to the State registrar all certificates that are received by him during a given month, before the 10th day of the following month, together with all certificates received by him up to the 10th day of the month for previous months, but in no case shall certificates for the current month be forwarded on the 10th day of the month.

4. Every local registrar shall note on each certificate the date on which it is filed with him and shall affix his signature thereto.

5. Every local registrar shall number consecutively in three separate series all certificates of births, deaths, and marriages that are filed with him, and a new series shall be started on January 1 of each year.

6. Every local registrar shall make every effort to secure the full name of every child whose birth is reported, and he shall report to the State registrar full details regarding every case for which no name is obtained.

7. No fees will be allowed for certificates forwarded to the State registrar later than the 10th day of the month following the recorded event.

Penalties provided by law.—*a.* Any registrar who fails to comply with the provisions of the State law regarding vital statistics, or with the rules and regulations of the State board of health or of the State registrar of vital statistics, or who fails to make prompt and complete returns shall be forthwith removed from office and shall be deemed guilty of a misdemeanor.

b. Any physician or midwife who fails or neglects to comply with any of the provisions of the State law regarding vital statistics or with any of the regulations above set forth shall be fined not less than \$5 nor more than \$25.

c. Any other person who violates any of the provisions of the vital statistics law or regulations shall be deemed guilty of a misdemeanor.

d. The State registrar and the State board of health are charged with the thorough enforcement of all vital statistics laws and regulations in every portion of the State, and therefore have no power to overlook continued or willful violations of these laws and regulations.

Barber Shops, Barber Schools, Public Bathrooms, and Public Bathhouses— Sanitary Regulation. (Reg. Bd. of H., May 1, 1919.)

RULE 1. All barber shops and barber schools, public bathrooms and public bathhouses shall be opened for inspection at any time during business hours to the inspection of the State board of health or to any local sanitary or health officer.

RULE 2. All places mentioned in rule 1, together with their furniture, fixtures, instruments, and utensils, are required to be kept in a clean and sanitary condition.

RULE 3. Instruments.—Mugs, shaving brushes, razors, scissors, clipping machines, pinchers, needles, the contact cup or pad of vibrating or massaging machines, and all other instruments shall be sterilized, either by immersion in boiling water or in alcohol of at least 60 per cent strength, or by formaldehyde gas or solution, after each separate use. Combs and brushes shall be thoroughly cleansed with soap and water at least once daily.

RULE 4. Towels.—Clean towels shall be used for each person served. Towels shall not be used for more than one person until laundered.

RULE 5. Alum.—Alum or other material used to stop the flow of blood shall be applied only on a clean cloth or towel or other clean appliance. The use of styptic sticks or pencils is prohibited.

RULE 6. Powder puffs.—The use of powder puffs and sponges for public use is prohibited.

RULE 7. Hands.—Every barber shall thoroughly cleanse his hands immediately before serving each customer.

RULE 8. Razor straps.—Any barber when shaving any person having an eruption on the face of any kind or nature shall be required to disinfect the razor by dipping it in a 15 per cent solution of formaldehyde before stropping.

RULE 9. Air and water.—Every barber shop and bathroom shall be well ventilated and provided with running hot and cold water.

RULE 10. Sleeping room.—No barber shop, school or public bathroom shall be used as a sleeping room.

RULE 11. Skin disease.—After serving persons who have eruptions on the face or scalp, or afflicted with contagious skin disease, all metal tools and

instruments, brushes and combs that have been used on such person shall be thoroughly sterilized by boiling water or the use of formaldehyde gas before being used again, and the hands shall be thoroughly cleansed with disinfecting solution, and all towels and damp cloths used shall be thoroughly boiled before being laundered.

RULE 12. Bathtubs.—All bathtubs shall be thoroughly cleansed with hot water and soap after each separate use.

RULE 13. Disinfection.—Every public bathroom or public bathhouse shall be thoroughly and efficiently disinfected with formaldehyde gas or sulphur fumes at least once in every three months.

RULE 14. Venereal diseases.—No person shall be served in any barber shop, public bathroom, or public bathhouse who is suffering from syphilis, such prohibition to continue until more than six months have elapsed from date of infection. No person shall be served in any public bathroom or public bathhouse who is suffering from gonorrhea.

RULE 15. Contagious diseases.—No person suffering from measles, scarlet fever, smallpox, diphtheria, or diphtheria sore throat, barber's itch, or ringworm shall be served in any barber shop, barber school, public bathroom or public bathhouse.

RULE 16. Disinfection of tools, etc.—All tools or instruments used by barbers outside the shop in serving any person suffering from infectious or contagious diseases or used on a corpse are required to be thoroughly and efficiently disinfected with formaldehyde solution or formaldehyde gas immediately after using the same.

RULE 17. Barbers must be free from infectious diseases.—No person suffering from any infectious or contagious disease, including tuberculosis, shall serve any person in any barber shop, barber school, public bathroom, or public bathhouse in this State.

RULE 18. Rules posted.—These rules and regulations shall be conspicuously displayed in each barber shop, barber school, public bathhouse and public bathroom in Delaware.

Penalty.—Any person violating any of these rules and regulations shall, upon conviction, be fined a sum not to exceed \$50 or less than \$5.

FLORIDA.

Communicable Diseases—Notification of Cases. (Reg. Bd. of H., Sept. 12, 1919.)

SECTION 1. It being the duty of the State board of health to keep currently informed of the occurrence, geographic distribution, and prevalence of the preventable diseases throughout the State, and to prevent the spread of these diseases, and for that purpose the following rules are adopted in accordance with power conferred on the State board of health, as provided by chapter 6892 (No. 86),¹ Laws of 1915.

SEC. 2. The following-named diseases and disabilities are hereby declared to be dangerous to the public health and made notifiable, and the occurrence of cases shall be reported as herein provided:

GROUP 1—COMMUNICABLE DISEASES.

Anthrax.	Measles.
Chancroid.	Mumps.
Chicken-pox.	Ophthalmia neonatorum (conjunctivitis of new-born infants).
Cholera, Asiatic (also cholera nostras when Asiatic cholera is present or its importation threatened).	Paratyphoid fever.
Dengue.	Plague.
Diphtheria.	Pneumonia.
Dysentery:	Polioomyelitis (acute infectious).
(a) amebic.	Rabies.
(b) bacillary.	Scarlet fever.
Favus.	Smallpox.
German measles.	Syphilis.
Glanders.	Tetanus.
Gonococcus infection.	Trachoma.
Hookworm disease.	Trichinosis.
Influenza.	Tuberculosis (all forms, the organ or part affected in each case to be stated).
Leprosy.	Typhoid fever.
Malaria.	Typhus fever.
Meningitis:	Whooping cough.
(a) epidemic cerebrospinal.	Yellow fever.
(b) tuberculous.	

GROUP 2—MISCELLANEOUS DISEASES.

Beriberi.	Pellagra.
Cancer.	

SEC. 3. Every person who in the State of Florida treats or examines for the purpose of diagnosis or treatment any person suffering from or afflicted with, or

¹ Pub. Health Repts. Reprint 338, p. 143, sec. 24.

who suspects that any person treated or examined by him is suffering from or afflicted with, any of the diseases made notifiable by the preceding section shall report such case to the State board of health, bureau of vital statistics, within six hours after making a diagnosis or suspecting the disease to be one required to be reported: *Provided*, That in municipalities or counties where satisfactory arrangements have been made to secure weekly reports from the local health officer, physicians may report notifiable diseases occurring within such municipalities or counties direct to the local health officer, who will forward the information to the State board of health, bureau of vital statistics, once each week. Said report shall give the following information, which is necessary for the protection of the public health and welfare:

- (a) Date when the report is made.
- (b) The name of the disease or suspected disease.
- (c) The name, sex, color or race, and the county and municipality or voting precinct in which the patient is located at the time the diagnosis is made.
- (d) Age, occupation, school attended, and place of employment of the patient.
- (e) Number of adults and of children in the household.
- (f) Source or probable source of infection or the origin or probable origin of the disease.
- (g) Name and address of the person making the report.
- (h) If the disease is, or suspected to be, smallpox, the report shall, in addition, show whether the disease is of the mild, or virulent type and whether the patient has ever been successfully vaccinated; and if the patient has been successfully vaccinated, the number of times and dates or approximate dates of such vaccination.
- (i) If the disease is, or is suspected to be, typhoid fever, scarlet fever, or diphtheria the report shall show whether the patient has been or any member of the household in which the patient resides is engaged or employed in the handling of milk for sale or preliminary to sale.
- (j) Date of onset of disease.

Provided, That if the person making the report is unable to secure any item or items of information mentioned in paragraphs *d*, *e*, *f*, *i* and *j* without independent inquiry, he shall state that fact on the report by writing the word "unknown" after each item for which the information can not be obtained.

SEC. 4. Employees of the State board of health shall be permitted to make an investigation of the case and secure the information; and it shall be the duty of any person interrogated in relation thereto to answer correctly and to the best of his or her knowledge all questions put to him or her by any such employee which may be calculated to elicit any information needed to verify or complete any report of a case of a known or suspected notifiable disease or to enable measures to be taken to prevent the spread of any such disease.

SEC. 5. If the disease is, or is suspected to be, Asiatic cholera, bubonic plague, or yellow fever the person required to make the report shall immediately wire the State health officer, collect, giving name and place of person and the disease from which he suffers or is afflicted with or is suspected to be suffering from or afflicted with.

SEC. 6. The requirements of the preceding section shall be applicable to persons attending patients ill with any of the notifiable diseases in hospitals, asylums, or other institutions, public or private: *Provided*, That the executive officer of any institution, public or private, may designate in writing an officer or employee of such hospital, asylum, or other institution to report in place of the attending physician or other person treating or examining the patient in cases of notifiable diseases occurring in or admitted to said hospital, asylum, or other institution in the same manner as that prescribed for persons treating

or examining patients. When designation has been made as above provided it shall be the duty of such designated officer to report all cases of notifiable diseases occurring in or admitted to such hospital, asylum, or other institution in same manner as that prescribed for persons treating or examining patients.

SEC. 7. Whenever a person is known or suspected to be afflicted with a notifiable disease, or whenever the eyes of any infant under 2 weeks of age become reddened, inflamed, swollen, or contain an unnatural discharge, and no physician is in attendance, an immediate report of the existence of the case shall be made to the State board of health, bureau of vital statistics, by the midwife; if no midwife is in attendance, said report shall be made by the father, mother, or other person in charge of the patient, each in the order named.

SEC. 8. Every teacher and every person in charge of any public or private school, including Sunday schools, shall report immediately to the State board of health, bureau of vital statistics, each and every case which he or she knows or suspects to be a case of a notifiable disease in persons attending or employed in his or her school.

SEC. 9. All diseases that are made notifiable shall be reported within six hours to the State board of health, bureau of vital statistics, on postal card (Form V. S. No. 124), which is supplied for that purpose, and all the information requested thereon must be given.

SEC. 10. If the age can not be ascertained, be sure to state the approximate age. Give the county in which the case is located, and in stating the place within the county strike out the words "city," "town," or "voting precinct" that do not apply. If the case is located within the corporate limits of a city or town, strike out the words "voting precinct," and if the case should be located in the voting precinct, even though it is just outside of the corporate limits, strike out the words "city" and "town." It is important that great care be used in stating the geographical location of the case. This information is necessary, first, that the case may be located without loss of time by health officers of the State board of health, and, second, that a municipality will not be charged with more sickness than actually occurred within the city or town.

SEC. 11. The name of the school attended should be given only in cases where the person having the disease is an attendant at school. If the case is in a rural district, the name of the school should be given. If attending school in a city or town in which there are two or more schools, the name of the school should be given and also the grade attended.

SEC. 12. In giving the place of employment also designate the service or work at which the person is employed; e. g., Jones's meat market, "meat cutter"; Wilson dry goods store, "clerk"; Havana cigar factory, "cigar wrapper"; Smith's dairy, "driver," etc.

SEC. 13. In reporting smallpox or typhoid fever be sure to state the number of times vaccinated and the dates of each vaccination as accurately as possible; if not able to give exact dates, give approximate dates.

SEC. 14. When reporting a case of typhoid fever, scarlet fever, or diphtheria, and any person living in the house in which the case is located is engaged in the handling of milk for sale, or preliminary to sale, state it as "yes" or "no." If answered "yes," state the place and kind of employment: For instance, Jones's milk station, "salesman" or "saleswoman" Smith's dairy, "driver," etc.

SEC. 15. When reporting a case of tuberculosis, be sure to state the organ or part affected by the disease; that is, "pulmonary tuberculosis," "acute military tuberculosis," "tuberculosis meningitis," "tuberculosis of spine," etc.

SEC. 16. The ordinary diarrhea shall not be reported as dysentery. The term "dysentery" is made notifiable only for amebic and bacillary types. Be sure to state whether amebic or bacillary.

SEC. 17. When reporting a case of cancer always state the organ or part affected by the cancer. The term "cancer" as used in the rules and regulations governing morbidity reports includes all malignant growths, and should be stated in the following manner: "Cancer of tongue," "cancer of breast," "cancer of uterus," "cancer of stomach," "cancer of rectum," etc.

SEC. 18. The person reporting a case must not fail to sign the report and give post-office address. If a physician, follow the name with the letters "M. D." Since other persons are required to report cases, it is very important that the State board of health know the cases that are reported by physicians so that assurance may be had that the case will be properly handled.

SEC. 19. Any person who shall fail, neglect, or refuse to comply with or who shall violate any of the provisions of these rules and regulations shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than \$5 nor more than \$100, as provided in section 22 of chapter 6892 (No. 86), Laws of 1915, under which authority all rules and regulations governing morbidity reports were adopted.

SEC. 20. These rules and regulations shall take effect immediately, and all rules and regulations or parts of rules and regulations inconsistent with the provisions of these rules and regulations are hereby repealed. No provision of these rules and regulations shall be construed as an attempt to repeal or amend any statute, or part thereof, requiring the reporting of diseases.

Venereal Diseases—Notification of Cases—Unlawful for Infected Persons to Expose Others to Infection—Sexual Intercourse by Infected Persons Unlawful—Examination of Suspected Persons—Treatment—Isolation—Examination, Treatment, and Isolation of Prisoners—Regulations by State Board of Health—Reports to be Confidential—Donations by Counties and Municipalities to State Board of Health Authorized. (Ch. 7829, Act June 7, 1919.)

SECTION 1. That syphilis, gonorrhea, and chancroid are hereby designated as venereal diseases and are declared to be contagious infections, communicable and dangerous to the public health. It shall be unlawful for anyone infected with either of these diseases to expose another to infection.

SEC. 2. It shall be unlawful for any female afflicted with any venereal disease, who knowing of such condition, to have sexual intercourse with any male person, or for any male person afflicted with any venereal disease, who knowing of such condition, to have sexual intercourse with any female.

SEC. 3. Any person who shall violate any of the provisions of sections 1 and 2 of this act shall be guilty of a misdemeanor and on conviction shall be punished as for a misdemeanor.

SEC. 4. Any person suspected of being afflicted with any infectious venereal disease shall be subject to physical examination and inspection by any representative of the State board of health, and for failure or refusal to allow such inspection or examination, they shall be guilty of a misdemeanor and shall be punished as for a misdemeanor: *Provided*, The suspected person shall not be apprehended, inspected, or examined against his will, except upon the sworn testimony of the person or persons accusing; and upon the presentation of the warrant duly authorized by the justice of the peace, or some court officer charged with the execution of this law.

SEC. 5. Any person willfully violating any rule or regulation promulgated by the State board of health under the authority of this act shall be deemed guilty of a misdemeanor and may be punished as for a misdemeanor.

SEC. 6. Any physician or other person who makes a diagnosis in or treats a case of venereal disease, or any superintendent or manager of a hospital, dispensary, or charitable or penal institution in which there is a case of venereal disease shall make a report of such case to the health authorities according to such form and manner as the State board of health shall direct.

SEC. 7. State, county, and municipal health officers, or their authorized deputies, within their respective jurisdictions, are hereby directed and empowered, when in their judgment it is necessary to protect the public health, to make examination of persons being [sic], or suspected of being infected with a venereal disease, to require persons infected with a venereal disease to report for treatment to a reputable physician and continue treatment until cured, or to submit to treatment provided at public expense, and to isolate persons infected with a venereal disease: *Provided*, The suspected person shall not be apprehended, inspected, or examined against his will, except upon the sworn testimony of the person or persons accusing; and upon the presentation of the warrant duly authorized by the justice of the peace or some court officer charged with the execution of this law.

SEC. 8. All persons who shall be confined or imprisoned in any State, county, or city prison of this State may be examined and treated for venereal diseases by the health authorities or their deputies. The State, county, and municipal boards of health shall have authority to take over such portions of any State, county, or city prison as may be necessary for a board of health hospital, wherein all persons who shall have been confined or imprisoned and who are suffering with a venereal disease at the time of the expiration of their terms of imprisonment, shall be isolated and treated at public expense until cured, or in lieu of such isolation, such person may, in the discretion of the board of health, be required to report to a licensed physician or submit to treatment at public expense as provided in section 7 of this act.

SEC. 9. The State board of health is hereby empowered and directed to make such rules and regulations as shall in its judgment be necessary for the carrying out of the purposes of this act, including rules and regulations providing for such labor on the part of the isolated persons as may be necessary to provide in whole or in part for their subsistence and to safeguard their general health, and such other rules and regulations concerning venereal diseases as it may from time to time deem advisable. All such rules and regulations so made shall be of force and binding upon all county and municipal health officers and other persons affected by this act.

SEC. 10. All reports of cases of venereal disease shall be filed in a safe or some place of safe-keeping in the office of the State board of health, and shall not be subject to public inspection. That no clerk or officer of the State board of health shall give out any personal information as to such reported cases, except upon the demand of the judge of a court empowered to deal with the operation of this law; nor shall the reports of cases of venereal disease be made to the State board of health, or any city or county board of health, except in a sealed, stamped envelope, which shall be furnished the physicians of the State without cost to them by the State board of health.

SEC. 11. Any town, city, or county is hereby authorized to make donations to the State board of health to assist in the enforcement of this act.

Dead Bodies—Transportation. (Reg. Bd. of H., Sept. 12, 1919.)

SECTION 1. A transit and removal permit issued by the local registrar, his deputy, or subregistrar of the registration district in which the death occurred, or the body was found, must accompany each dead body transported by a common carrier.

(a) The transit and removal permits must state the place of death, name of deceased, sex, color or race, age, cause of death, and the date and hour of death.

(b) The transit permit shall also state the date and route of shipment, the point of shipment and destination, the method of preparation of the body, and shall bear the signature and title of the registrar who issued the transit permit.

(c) That portion of the transit permit designated as the label shall be tacked (not pasted) to the outer box or case.

(d) The transit permit shall bear the signature of the embalmer preparing the body for shipment and show the number of his license issued by the Florida State Board of Embalmers.

SEC. 2. The transportation of a dead body due to smallpox, bubonic plague, Asiatic cholera, diphtheria (membranous croup) (diphtheria sore throat), scarlet fever (scarlet rash, scarlatina), erysipelas, glanders, anthrax, or leprosy shall not be accepted for transportation unless prepared in the following manner:

(a) Arterial and cavity injection with an approved disinfecting fluid.

(b) Disinfection and stopping of all orifices with absorbent cotton.

(c) Washing the body with a disinfectant.

(d) The body shall be enveloped in a sheet or blanket saturated in a 1-1,000 solution of corrosive sublimate.

(e) The body, after being prepared in the above manner, shall be incased in an air-tight zinc, tin, copper, or lead lined coffin or casket, all joints and seams hermetically sealed, and all incased in a strong wooden box, or the body placed in a strong coffin or casket and incased in an air-tight zinc, tin, copper, or lead lined outer box.

SEC. 3. The transportation of a body dead from typhoid fever, puerperal fever, tuberculosis, or measles shall be prepared for transportation as provided in section 2, except paragraphs (d) and (e).

SEC. 4. The bodies of those dead from any cause not specified in sections 2 and 3 shall be accepted for transportation when incased in a sound coffin or casket and inclosed in a strong outside wooden box: *Provided*, That the body will reach its destination within 24 hours from the time of death. If the body can not reach its destination within 24 hours from the time of death, then the body must be prepared as provided by section 3.

SEC. 5. In the shipment of bodies dead from any of the diseases named in section 2, such body shall not be accompanied by persons or articles which have been exposed to the infection of the disease, unless certified by the local or State health officer as having been properly disinfected. The transit permit shall specifically state who is authorized to accompany the body.

SEC. 6. No dead body shall be disinterred for transportation without the written consent of the State health officer.

All disinterred remains shall be inclosed in metal or metal-lined boxes and hermetically sealed before being offered for transportation.

SEC. 7. The outside case may be omitted in all instances when the coffin or casket is transported in hearse or undertaker's wagon.

SEC. 8. Every outside case holding a dead body offered for transportation by common carrier shall bear at least four handles, and when over 5 feet 6 inches in length shall bear six handles.

SEC. 9. When dead bodies are to be shipped by express all of the preceding rules shall apply, except the transit and removal permit shall be attached to and accompany the waybill.

SEC. 10. Bodies deposited in receiving vaults shall not be treated or considered the same as buried bodies when originally prepared by a licensed embalmer, as defined in sections 2 and 3 (according to the disease causing death): *Provided*, Shipment takes place within 30 days after death.

SEC. 11. When a body has been held 30 days from date of death it shall be prepared in accordance with section 2 and permission of the State health officer must be obtained before the body is offered for transportation.

Assistant State Health Officer—Law Authorizing Employment of, Repealed.
(Ch. 7824, Act May 7, 1919.)

SECTION 1. That section 1128 of the General Statutes of Florida relating to assistant State health officer be, and the same is hereby repealed.

State Board of Health—Required to Make and Publish Necessary Regulations. (Ch. 7823, Act May 5, 1919.)

SECTION 1. That section 1122 of the General Statutes of Florida be amended to read as follows:

SEC. 1122. *Board to make and publish rules.*—It shall be the duty of the State board of health to formulate such rules and regulations for the preservation of the public health as, in their judgment, they may deem necessary, and to meet at any time they may deem necessary to formulate such additional rules and regulations for the preservation of the public health, as their experience may suggest, and they shall have the same published in such place and in such manner as they may deem best to give greatest publicity to the same.

State Board of Health—Headquarters in Jacksonville—Residence of State Health Officer. (Ch. 7826, Act June 2, 1919.)

SECTION 1. The headquarters of the State board of health shall be in the city of Jacksonville, Fla., and the State health officer shall reside in the city where the headquarters of the State board of health is located.

Public Health Train—Sale. (House Res. 6, May 8, 1919.)

That the State board of health dispose of said train and return proceeds from sale to the general fund of the State board of health.

Public Health Train—Sale. (Ch. 7827, Act June 9, 1919.)

SECTION 1. The State board of health is hereby authorized to sell any property that it may have acquired under the provisions of chapter 6894,² Laws of Florida, acts of 1915, which may in its judgment be not necessary to be used further in connection with the work of the State board of health, and all proceeds derived from the sale of any such property shall be transmitted to the State treasury to be credited to the State board of health fund.

² Pub. Health Repts. Reprint 338, p. 132.

Contents of the Human Body or Contents of the Carcass of a Domestic Animal—Analysis of, by State Board of Health to Detect Foreign Matter or Poisonous Drugs. (Ch. 7830, Act June 9, 1919.)

SECTION 1. That the State board of health shall make or have made analysis of any part of the contents of the human body submitted to it by any regular practicing physician licensed to practice in this State, or any State attorney or solicitor of any criminal court or court of record, or sheriff in this State, for the purpose of determining whether or not it contains any foreign matter or drug poisonous to the human system, and upon the completion of such analysis furnish to the person submitting the same a certificate under oath of the result of such analysis.

SEC. 2. The State board of health shall make or have made analysis of any part of the contents of the carcass of any domestic animal submitted to it by any duly authorized agent of the live-stock sanitary board, or county demonstration agent, or sheriff, for the purpose of determining whether or not it contains any foreign matter or drugs poisonous to the life of such animal, and upon the completion of such analysis the said board shall furnish to the person submitting same a certificate under oath giving the result of such analysis: *Provided*, That in all such cases when the agent of the live-stock sanitary board, county demonstration agent, or sheriff submits any specimen to the State board of health for analysis he shall at the same time forward to the secretary of the board a fee of \$5, to be applied to the expense incident to such analysis, and the said fee shall become a part of the State board of health funds and forwarded to the State treasurer.

SEC. 3. Any person who is required under process of court to give expert testimony under either section 1 or 2 of this act shall be paid all expenses going to and from the place where such testimony is to be given.

Milk—Production and Handling. (Reg. Bd. of H., Sept. 11, 1919.)

SECTION 1. A dairy as used in this regulation is any place where milk or cream is handled, offered for sale, or given away.

SEC. 2. All dairies shall be provided with a pure water supply frequently examined and approved by the State board of health.

SEC. 3. Every dairy shall be provided with a sanitary system of sewage or excreta disposal, either a sanitary privy or septic tank of such design as is approved by the State board of health.

SEC. 4. Every dairy shall be provided with a milk house, which shall be a separate building located away from any source of contamination and for a single cow dairy shall have minimum floor plan dimensions of 6 by 8 feet and at least 10 by 10 feet for dairies having more than one cow. The milk house shall have a cement floor, shall be properly screened, and have a screen door opening outward provided with a suitable spring to keep it closed at all times. Interior construction shall be of smooth finish. There shall be racks for cans and bottles, so built that when these utensils are inverted on them their mouths shall be open to the air. All milk rooms shall be washed out frequently with water containing chloride of lime.

SEC. 5. The dairy barn shall be reasonably clean, well ventilated, and shall preferably have a cement floor. All newly constructed dairy barns shall be provided with cement floors.

SEC. 6. Following each milking all manure shall be removed from the cow barn to a point at least 200 feet distant, and these accumulations shall be removed often enough to prevent fly breeding.

SEC. 7. All cows shall be healthy and free from disease; they shall be tuberculin tested. They shall be kept clean; the udder and teats shall be washed and dried with a clean cloth before milking.

SEC. 8. All milking shall be done with clean, dry hands into a fishmouth milk pail having an opening not to exceed 8 by 4½ inches. No other types are approved.

SEC. 9. Since dairy utensils are a highly important source of bacterial contamination of milk it is required that they be washed and sterilized promptly after using them, for otherwise bacteria multiply in them in such numbers as to make it almost impossible for the dairyman to sterilize them with the methods he ordinarily has at his disposal. All metal dairy utensils shall be in first-class condition and the seams filled flush with solder. Previous to use, all utensils shall be rinsed in lukewarm or cold water, they shall then be washed in hot water containing an alkaline wash powder, after which they shall be sterilized either with live steam or boiling water. Strainer cloths shall always be boiled before use and dried quickly. When not in use all utensils shall be kept inverted and they, together with strainer cloths, shall be protected from flies and dust.

SEC. 10. All pasteurizing shall be done between 142° and 145° F. for not less than 30 minutes nor more than 45, and a recording thermometer shall always be used on the pasteurizing machine. Temperature charts shall be kept for at least six weeks.

SEC. 11. All milk shall be delivered within two hours from the time it is drawn from the cow or it shall be cooled and held at a temperature not above 50° F. until delivered. No milk shall be delivered from uncovered vehicles unless the packages of milk are covered with a tarpaulin.

SEC. 12. Every case of communicable disease occurring in a dairy or in the family of any person handling milk shall be immediately reported to the nearest city health officer or to the State board of health, giving details.

SEC. 13. Any duly authorized representative of a city health department or of the State board of health shall be permitted at any time to enter any dairy to see that the provisions of this regulation are carried out.

SEC. 14. Any person, firm, or corporation failing to comply with the foregoing provisions shall be deemed guilty of a misdemeanor and when convicted shall be fined in the sum of not less than \$5 or more than \$50, or shall be suspended from operation of the dairy, and each time that such person, persons, firm, or corporation neglects, fails, or refuses to comply with any of the provisions of this regulation shall be deemed a separate offense and punished as herein provided.

**Places Where Foods, Ice Cream, or Soft Drinks Are Prepared or Sold—
Screening Required—Placarding Insanitary Places. (Reg. Bd. of H.,
Sept. 11, 1919.)**

SECTION 1. All places preparing, keeping, dispensing, or offering for sale foods, fruits, ice creams, soft drinks, or other substances intended for human consumption, except those in sealed bottles or other sealed containers, shall have all doors, windows, or other openings thoroughly screened with wire netting of such a mesh as to prevent the access of flies.

SEC. 2. The district health officer or any other duly authorized authority of the State board of health may or shall, following due notification, post a placard on any insanitary market, grocery store, drug store, fruit stand, hotel, restaurant, or any other place where foods, fruits, drinks, or ice cream are prepared, kept, or offered for sale.

SEC. 3. That any person who shall violate, disobey, refuse, omit, or neglect to comply with this rule of the State board of health made by it in pursuance of chapter 5931 (No. 62), Laws of Florida, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment not exceeding 30 days or by a fine not exceeding \$50.

Foodstuffs—Preparation and Sale—Approval of Premises. (Reg. Bd. of H., Sept. 11, 1919.)

SECTION 1. All foods offered for sale in the State of Florida shall be prepared in such a manner as to meet the approval of a duly authorized inspector of the State board of health.

SEC. 2. All premises surrounding places where foods are kept, prepared, or offered for sale shall be approved by a duly authorized inspector of the State board of health.

SEC. 3. All foods for sale shall be kept in and offered to the public only in such a manner as may be prescribed by a duly authorized authority of the State board of health.

SEC. 4. That any person who shall violate, disobey, refuse, omit, or neglect to comply with this rule of the State board of health, made by it in pursuance of chapter 5931 (No. 62), Laws of Florida, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment not exceeding 30 days or by a fine not exceeding \$50.

Mineral, Carbonated, Spring, or Natural Waters—Manufacture, Importation, or Bottling. (Reg. Bd. of H., Sept. 11, 1919.)

SECTION 1. It shall be the duty of every manufacturer, importer, bottler, or other person, firm, or corporation manufacturing, bottling, or importing in the State of Florida any artificial or natural mineral, spring, or other water for drinking purposes, to file, on or before August 1, 1918, and on or before each succeeding January 10, under oath, with the State board of health the name of such water and the exact location from which it is obtained, together with the chemical analysis and the bacteriological examination thereof, and when manufactured the exact formula used in its production, giving qualitatively and quantitatively each and every item entering into its composition.

SEC. 2. No person, persons, firm, or corporation shall manufacture or bottle mineral, carbonated, spring, or natural waters in the State of Florida after August 1, 1918, and after each succeeding January 1, without a permit from the State board of health. No permit shall be required, however, where the city water supply is conducted through closed pipes and connected with a carbonated apparatus, from which it is dispensed directly to the consumer, without coming in contact with the air and not handled in any way. The State board of health, however, reserves the right to revoke any permit or permits at any time when, after a thorough investigation, examination, and public hearing, the domestic use of the water of any person, persons, firm, or corporation shall appear to it to be a menace to the public health.

SEC. 3. It shall further be the duty of every manufacturer, bottler, importer, or other person, firm, or corporation manufacturing, bottling, or importing in the State of Florida any artificial, natural, mineral, spring, or other water for drinking purposes to provide the State board of health with two bottled samples, as prepared for sale on the market, every two months for laboratory examination as to purity.

SEC. 4. Any person, persons, firm, or corporation violating any of the provisions of the above sections shall be deemed guilty of a misdemeanor and upon conviction thereof forfeit his or its permit or pay a penalty not to exceed \$200, or both, at the discretion of the court.

Water-Treatment Plants—Records of Operation of Plants to be Submitted to State Board of Health. (Reg. Bd. of H., Nov. 6, 1919.)

SECTION 1. The superintendent, owner, or operator of all water-supply plants, either privately or municipally owned or controlled, where water for human consumption is treated in any manner by filtration, chlorination, or the addition of chemicals, shall submit weekly to the State board of health, or as often as may be deemed necessary by the State health officer, daily records of treatment-plant operation. These data will include daily amount of chlorine or other chemicals used, the daily quantity of water treated, the daily pumpage, the rate of filtration, daily loss of head, and any other data as may be required on forms furnished to water-plant operators by the State board of health.

SEC. 2. Any responsible person as noted above failing to submit records as prescribed in section 1 shall be deemed guilty of a misdemeanor and upon conviction thereof pay a penalty not to exceed \$100 or suffer imprisonment, or both, at the discretion of the court.

Sewage-Treatment Plants—Names of Operators to be Furnished State Board of Health. (Reg. Bd. of H., Nov. 6, 1919.)

1. Annually during the month of January the city clerk of every incorporated city or town wherein a sewage-treatment plant is located shall submit to the bureau of engineering of the State board of health, on a form furnished by it, the name of the individual responsible for the proper operation of the sewage-treatment plant. Upon occurrence of a vacancy or change of responsibility the city clerk shall promptly notify the State board of health of such a change.

2. Sewage-treatment plants in the scope of this rule include any and all devices for the receiving, storing, screening, and modifying of sewage.

Surface Closets and Privies—Required to be Fly Proof and to Conform with Plans Approved by State Board of Health. (Ch. 7822, Act May 5, 1919.)

SECTION 1. That section 1 of chapter 6895,² Laws of Florida, acts of 1915, be amended as follows:

SECTION 1. That any person, firm, or corporation keeping or maintaining surface closets and privies used for the deposit of human excreta within incorporated limits, unincorporated towns, suburbs, and thickly settled communities which are not fly proof in construction and are not in conformity with plans recommended or approved by the State board of health, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding \$10.

Privies—Types Recommended and Approved by State Board of Health. (Res. Bd. of H., Sept. 11, 1919.)

That the following types of privies are recommended and approved for use in Florida:

² Pub. Health Repts. Reprint 338, p. 137.

(1) The Florida tank privy constructed of—

(a) Waterproofed concrete and detailed in bulletin prepared by the State board of health.

(b) Hard brick, well plastered inside with neat cement.

This privy is available for use under all Florida conditions and is preferred to any of the following. Recommended especially for schools, public buildings, etc.

(2) Septic tank privies of approved design, manufactured by commercial corporations.

(3) Can or receptacle type for use only where a regular systematic and efficient collection service is available. The compartment retaining the fecal matter must be absolutely fly-tight, whenever this type is used, as outlined in United States Health Bulletin No. 89. Cans so constructed that top rim of can fits tightly and fastens to bottom of seat, meet last requirement. Can type is not recommended for use at schools, rural communities, small towns, or districts not having consistent collection service.

(4) The pit types—

(a) Shallow pits in earth, sides lined with wood, brick, or concrete with earthen bottoms. Such pits are not to be used where water supply is derived from dug or shallow driven wells, nor to be used in clay, marl, coquina, or porous rock—shall only be used in sandy soil. No such privy should be placed less than 50 feet from a driven well supply. Pits should be placed at highest point of lot.

(b) Shallow pits of concrete with water-tight sides and bottoms. All that has been included under No. 2 above holds true in this case. Not to be widely advocated, because frequent cleaning is necessary.

No privies other than those listed above should be advocated by employees of the State board of health and, furthermore, the advisability of employing any one type of privy in preference to another should always be submitted to the sanitary engineer of the board.

Swimming Pools, Bathing and Swimming Places, and Bathhouses—Permits for Construction, Operation, or Maintenance—Examination and Investigation—Regulations by State Board of Health Authorized—When Deemed Nuisances. (Ch. 7825, Act May 29, 1919.)

SECTION 1. The State board of health shall have supervision over the sanitation, healthfulness, and cleanliness of swimming pools, bathhouses, public swimming and bathing places and all related appurtenances, and is hereby empowered to make and enforce such rules and regulations pertaining thereto as it shall deem proper.

SEC. 2. It shall be unlawful for any person, persons, firm, corporation, institution, municipality, or county to construct or to add to or modify, or to operate or to continue to operate any swimming pool, public bathhouse, bathing or swimming place, or any structure intended to be used for swimming or bathing purposes without an unrevoked permit so to do from the State board of health. This permit shall be obtained in the following manner: Any person, persons, firm, corporation, institution, municipality, or county desiring to construct, add to, or modify, or to operate and maintain any swimming pool, bathhouse, bathing or swimming places or structures intended to be used for swimming or bathing purposes within the State of Florida shall file application for permission so to do with the State board of health, which application shall be accompanied by detailed maps, drawings, specifications, and descriptions of the structure, its appurtenances and operation, description of the source or sources of

water supply, amount and quality of water available and intended to be used, method and manner of water purification, treatment, disinfection, heating, regulating, and cleaning; measures to insure personal cleanliness of bathers; method and manner of washing, disinfecting, drying, and storing bathing apparel and towels, and all other information and statistics that may be required by the State board of health; whereupon, the State board of health shall cause an investigation to be made of the proposed or existing pool or public bathing places, and if it shall determine as a fact that the same is or may reasonably be expected to become unclean or insanitary, or may constitute a menace to public health, it shall deny the application for permit; if it shall determine as a fact that the same is or may reasonably be expected to be conducted continuously in a clean and sanitary manner and will not constitute a menace to public health, it shall grant the application for permit under such restrictions as it shall deem proper.

SEC. 3. For the purpose of this act the State board of health or its inspectors shall at any and all reasonable times have full power and authority to, and shall be permitted to enter upon any and all parts of the premises of such bathing and swimming places to make examination and investigation to determine the sanitary condition of such places and whether the provisions of this act or rules and regulations of the State board of health pertaining thereto are being violated. The State board of health may from time to time at its discretion publish the reports of such inspections in its monthly bulletin.

SEC. 4. Any permit granted by the State board of health as provided in this act shall be revocable or subject to suspension at any time, if it shall determine as a fact that the swimming or bathing place or places are being conducted in a manner insanitary, unclean, or dangerous to public health.

SEC. 5. Any swimming pool, public swimming or bathing place or places, constructed, operated, or maintained contrary to the provisions of this act are hereby declared to be public nuisances, dangerous to health. Such nuisances may be abated or enjoined in an action brought by the local or State board of health.

SEC. 6. Any person, firm or corporation, whether as principal or agent, employer or employee, who violates any of the provisions of this act shall be guilty of a misdemeanor, and each day that conditions or actions, in violation of this act shall continue, shall be deemed to be a separate and distinct offense, and for each offense, upon conviction, he shall be punished by a fine of not less than \$25, nor more than \$500, or shall be imprisoned in the county jail for a term of not exceeding six months, or by both such fine and imprisonment.

GEORGIA.

Pupils—Vaccination. Health Regulations—County and City Boards of Health Authorized to Adopt. Communicable Diseases—Isolation—Quarantine—Disinfection. (Act 217, Aug. 19, 1919.)

SEC. 87. *Vaccination of pupils of public schools.*—The county board of education in the counties of this State, and the boards of public education for the (city of Savannah and the other) cities of this State are hereby authorized and empowered to make such regulations as in their judgment shall seem requisite to insure the vaccination of the pupils in their respective schools and may require all scholars or pupils to be vaccinated as a prerequisite to admission to their respective schools.

* * * * *

SEC. 169. *Regulations by county boards.*—The county and municipal boards of health of the several counties shall have full power and authority to adopt, enact, establish, and maintain all such rules and regulations, not inconsistent with the laws and constitution of this State and of the United States, as they may deem necessary and proper for protecting the health of their respective counties or municipalities, and for preventing the introduction, generation, and spread of infectious and contagious diseases therein: *Provided*, That such rules and regulations shall not apply to any incorporated city or town of this State.

SEC. 170. *Isolation and quarantine in infectious diseases (extracts from rules and regulations of State board of health).*—No parent or householder shall permit infected persons (or person exposed to infection), clothing, bedding, furniture, school books, library books, or other articles likely to convey infection to be removed from the house until properly disinfected, under the supervision of the local board of health or its proper officers, or where no board exists, by the attending physician, in the manner recommended by the State board of health. The isolation of patients and duration of quarantine in infectious diseases shall be as follows:

Diphtheria or membranous croup.—For the patient: Isolation for 21 days from persons and domestic animals, and disinfection of premises. For persons associated with or in the house with the patient: Adults, quarantine until after death or recovery of patient and disinfection of premises; children, quarantine for seven days after disinfection of premises. Domestic pets, particularly cats, are frequent carriers of this infection. That the use of antitoxin lessens the mortality, but does not attenuate the nerves, so that the same length of quarantine should be enforced whether antitoxins are or are not used.

Scarlet fever (scarletena [scarlatina], scarlet rash, roseola).—Isolation of patient and quarantine of children associated with, or in the house with the patient, for 10 days after complete desquamation or scaling of patient and disinfection of premises.

Smallpox.—For the patient: Isolation until after all crust or scales have fallen off, and the disinfection of patient's body and the premises. For exposed persons: Quarantine for 16 days from date of last exposure.

Cholera.—For the patient: Isolation until after complete recovery and disinfection of the premises. For exposed persons: Quarantine for five days from date of last exposure.

Yellow fever.—Isolation in screened room (protected fireplace) until after complete recovery and disinfection of premises.

Typhus fever.—For the patient: Isolation until after complete recovery and disinfection of the premises. For exposed persons: Quarantine for 21 days from date of last exposure.

Venereal Disease Control—Authorized Deputies of State Board of Health—Taking Over Portions of Prisons for Hospital Purposes—Labor by Isolated Persons—Laboratory Tests—Quarantined Persons May Have Additional Examination to Determine Fact of Infection—Advertisements Prohibited—Form for Release from Quarantine. (Reg. Bd. of H., Jan. 14, 1919.)

[1] *Authorized deputy.*—An authorized deputy of the State board of health as mentioned in the venereal disease act of 1918¹ is defined to be and the following are deputies:

All members of the Georgia State Board of Health, local boards of health, both county and municipal, all physicians who are legally appointed by the State board of health, county or municipal boards of health, all physicians now acting for and by authority of appointment by the United States Health Service now in the State or who may hereafter be appointed or be assigned to our State, and all others who may be specially appointed by this board. It is prohibited that any deputy appointed under this rule, other than a legally licensed physician, shall make a physical examination of the body of any person for the diagnosis or treatment of venereal diseases.

The power of removal of deputies shall be in this board without recourse.

[2] *Taking over State and county prisons.*—Wherever it is necessary for a place to be provided for the detention, treatment or care of the infected, as provided in section 4 of the venereal disease act of 1918: The only notice necessary for the carrying out of this provision is notice to be given by the State board of health or a deputy of the State board of health, county or municipality, either verbally or in writing, to the proper official in charge of such prison as mentioned in the act and section, and they, the keeper, warden, guards or anyone in charge is enjoined to give to such person or persons under detention the care and treatment as outlined to them by the board of health or its deputies under whose jurisdiction the same may be.

[3] *Providing for labor.*—The venereal law, section 5, provides that persons confined for treatment shall labor and provide for at least "in part for their subsistence and to safeguard their general health."

The State board of health realizes it can not definitely define rules to cover individual cases, and for this reason hereby confers on its deputies, to wit, county boards of health, city or municipal boards' of health, officers of the United States Public Health Service, and all others who have charge of such patients, the authority to pass such rules and regulations as may meet the individual, community, or case requirements, providing the same are in conformity to the ability of the individual and the needs for maintaining health and rapid alleviation of venereal disease. The rules so passed should have the approval of the physician in charge.

¹ Supplement 38 to Pub. Health Repts., p. 52.

[4] The footnote on page 7 of the pamphlet of the State board of health entitled "Health laws passed by the Georgia Legislature, 1918," is hereby amended after the word "therein" (last line), adding: "And they or their deputies become the local health officer for their town or city."

[5] Amend rule 4,² subdivision "a," page 9 (first line), after the word "tests," adding "made by the bacteriologist of the State board of health, or his deputy." This laboratory shall be and is the only and final place of resort.

[6] Further amend rule 4, and create the following subdivision, same to be known as subdivision "a 2":

Right of appeal.—The right of one held for venereal disease in quarantine in this State to an additional examination to clear up any doubt that might be raised or be made, will be granted when appeal is made to the local board of health. This appeal shall be made in writing by the aggrieved and addressed to the chairman of the local board of health in the county, city, or municipality in which the infected one is being held. When such appeal has been received, the local board of health shall appoint a disinterested physician at the expense of the appellant, or in case the appellant is not able to employ a physician and will so testify, the local board shall request the county physician to act for the aggrieved patient in company with the physician who has the appellant in charge and who made the diagnosis in the case, or when this is not practical, the physician who made the original diagnosis may select some other physician and appoint him as his deputy to go with the physician selected by the board. The physician who has been chosen by the local board shall visit the patient at such time as a fair and impartial examination can be made, not immediately after treatment has been administered, and shall make his own smear for gonorrhea and take his own specimen of blood for Wassermann, taking personal charge of the specimen until he has brought or sent same to the State board of health laboratory, making all physical examinations and writing out the clinical symptoms as he finds them, and let them and his diagnosis accompany the specimen sent in. The local health officer shall do the same, taking specimen at the same time. The two physicians shall mark the specimens with the same symbol or name that confusion may not arise. The findings of the laboratory shall be transmitted as quickly as possible to both the physicians and also the prison warden, or the officer in charge of the quarantined one.

Quarantine can only be lifted as provided in this rule, subdivision a, second paragraph.

[7] *Violation to advertise.*—It shall be a violation for one to advertise by posting, writing, printing, displaying, or giving in any manner publicity to the sale in papers, magazines, periodicals, public places, show windows, or in toilets, privies, or places used for urinals, or in any other place or manner any remedy or device for the supposed cure or alleviation of either or of all venereal diseases.

[8] *Form to be used for release from quarantine.*—This is to certify that _____ has this day been discharged from quarantine, ill of venereal disease, not cured, but sufficiently improved as not to be dangerous to the public health, so long as the instructions given the patient are obeyed. Should these instructions be disobeyed the patient agrees to return to quarantine without resistance or any formality being taken, this liberty being allowed as a period of probation.

(Signed)

-----M. D.

² Supplement 38 to Pub. Health Repts., p. 54.

State Board of Health—Reports to, by Board of Public Welfare. (Act 186, Aug. 18, 1919.)

SEC. 11. * * * The said board [board of public welfare] shall make report as often as once a month to the State board of health on all matters that are subject to the jurisdiction of said board of health, so that they may be kept constantly informed of these matters.

Births and Deaths—Registration. (Act 218, Aug. 18, 1919.)

SECTION 1. That section 3 of the act^a approved August 17, 1914, providing for the registration of vital statistics, be amended by adding: "*And provided*, That the State board of health may combine two or more primary registration districts when necessary to facilitate registration: *And provided*, That the State board of health shall fill all vacancies that may occur in the office of the local registrar, and shall establish such additional districts and appoint local registrars for such districts, and such appointed registrars shall perform all the duties of a local registrar and receive such fees as are prescribed for local registrars by the State statutes: *And provided*, That every local registrar shall appoint a deputy local registrar for his district. Such deputy local registrar shall serve when the local registrar is not accessible for purpose of registration."

SEC. 2. That section 4 of the act approved August 17, 1914, providing for the registration of vital statistics, be amended by adding: "*And provided*, That in any city or incorporated town where the health officers or other officials are in the judgment of the State board of health conducting an effective registration of births and deaths, such officials may be appointed by the State board of health as local registrars for such cities and towns: *And provided*, That said appointed local registrars shall be subject to all the rules and regulations as local registrars otherwise elected or appointed."

SEC. 3. That section 5 of the act approved August 17, 1914, providing for the registration of vital statistics, be amended by adding: "*And provided*, That when a dead body is transported from one registration district into another within this State, the removal permit may be accepted by the sexton or person in charge of the cemetery in lieu of a burial permit at the place of burial, subject to local rules and regulations: *And provided further*, That this provision shall not apply to the transportation of the dead body by common carriers: *And provided further*, That any local registrar in any county in this State shall have authority to issue any burial or removal permit referred to in this act or in the act approved August 17, 1914, as aforesaid."

SEC. 4. That section 19 of the act approved August 17, 1914, providing for the registration of vital statistics, be amended by striking out the words "twenty-five," in line 2, in the first sentence of section 19, and inserting the word "fifty" instead thereof, and by adding: "*And provided*, That the State registrar, at the discretion of the State board of health, may issue the aforesaid statement at periods of time less than one year, and the county treasurer shall pay the amounts due when such statement is issued."

Burial Permits—Issuance When Immediate Burial is Necessary. Birth and Death Certificates—Filing in Registration Districts Other Than Where Births or Deaths Occurred. (Reg. Bd. of H., Oct. 9, 1919.)

No. 1. When conditions necessitate the immediate burial of a body and the physician last in attendance is not accessible, a local registrar may issue

^a Pub. Health Repts. Reprint 279, p. 21.

a burial permit in accordance with local rules and regulations on a provisional death certificate which is not complete as to medical particulars: *Provided*, That the name and address of the physician last in attendance is furnished the local registrar. The physician last in attendance shall complete the medical particulars at the request of the local registrar, under section 21, subhead *b*, of the vital statistics law, 1914.

No. 2. When a local registrar in the district where the death occurs is not accessible, the death certificate may be filed with the nearest local registrar.

No. 3. The local registrar who accepts a birth or death certificate for a birth or death that occurs outside of his registration district shall notify the local registrar, if there be one in the district in which the birth or death occurred, that such birth or death certificate has been filed with him.

N. B.—Regulation No. 1 can not be applied to deaths where no physician is in attendance, and the local registrar should ascertain whether a coroner's inquest is necessary or not. The word "may" throws all the responsibility on the local registrar, and he must protect the State in taking advantage of this regulation.

Training School for Mental Defectives—Establishment, Management, and Operation—Commitment of Persons to—Treatment and Discharge of Patients. (Act 373, Aug. 19, 1919.)

SECTION 1. That there is hereby created in this State an institution to be known as the "Georgia Training School for Mental Defectives," which institution shall be established as provided in section 1 of this act; that the institution shall be managed and operated as provided in section 2; that persons of the class defined in section 3 shall be admitted to the institution in the manner and under the rules provided in section 4; that persons admitted for treatment and training in said institution shall be treated and trained in accordance with section 5 thereof; that persons who have received treatment and training at said institution, and whose condition has been improved to the extent that they no longer constitute menaces to themselves or the community, shall be discharged or paroled as provided in section 6 of this act; that an appropriation for the maintenance of said institution is authorized, as set forth in section 7.

SECTION 1 [sic]. That the Georgia Training School for Mental Defectives shall be established as soon as possible after the passage of this act. To this end there is hereby created a temporary board of control of said institution, which board shall be composed of the governor, who shall be its chairman; the attorney general, and the secretary of the State board of health, and shall have complete charge of the establishment and location of said school. Within 60 days after the passage of this act the said temporary board of control shall meet and proceed with the establishment of the institution. The said board is, under this act, empowered to use its discretion as to the best method to pursue in the establishment of the school, and may either call for bids from towns, cities, or counties, making donations toward the establishment of same, or may make any other legal arrangement which shall have the approval of the attorney general as to its legality. Said temporary board of control shall not accept as a donation for this purpose and shall not establish the said institution upon any tract of land containing less than 300 acres, or which is not suitable for the work hereinafter contemplated. Said board shall serve without expense to the State, save that the actual traveling expenses of its members shall be paid when incurred in the discharge of the duties imposed upon said board by this act. Immediately upon the establishment of said institution the said temporary board of control shall cease to exist, and the school shall be managed and operated as provided in section 5 of this act.

SEC. 2. The Georgia Training School for Mental Defectives shall be under the sole and direct control and management of the State board of health, and the said State board of health is hereby directly empowered to operate said institution from and after its establishment. The said State board of health shall appoint a superintendent for said institution, it being provided that the said superintendent shall be a physician scientifically trained in psychiatry and with special training relating to mental deficiency. The institution shall be operated upon thoroughly scientific lines, as set forth in section 5 hereof, and the said State board of health is hereby given the authority, and it shall be its duty, to provide for such scientific management.

SEC. 3. There shall be admitted to the Georgia Training School for Mental Defectives the following type of persons: Any person with mental defectiveness from birth or from an early age, or those that become mentally defective from injury or disease so pronounced that he or she is unable to care for himself or herself and manage his affairs with ordinary prudence, and that he constitutes a menace to the happiness of himself or of others in the community and therefore requires care, supervision, and control, either for his own protection or for the protection of others, and yet who is not insane or of unsound mind. This type of persons shall be known and designated as "mental defectives." Should the institution at any time not be able to accommodate all who shall under the terms of section 5 of this act be admitted thereto, it is hereby provided that preference in admission shall be given to children and women of child-bearing age.

SEC. 4. Mental defectives shall be admitted to the Georgia Training School for Mental Defectives in the following manner:

(a) The father, mother, or guardian of any mentally defective person, or any health officer or school official of the county in which said mentally defective person shall live, may apply to the superintendent of the Georgia Training School for Mental Defectives, supplying such data as the superintendent may require, and if after examination, both physical and mental, has been made by or under the direction of the said superintendent said person shall be adjudged a mental defective under the terms of this act, then the said superintendent may receive said person into the said Georgia Training School for Mental Defectives.

(b) The court of ordinary shall have jurisdiction in all cases of legal inquiry in regard to mental defectiveness, and application for commitment of persons to the Georgia Training School for Mental Defectives shall be filed with the ordinary of the county in which said person lives. Any relative of the person may make application to have the person so adjudged; but when the relatives of such a mentally defective person either neglect or refuse to place said person in the Georgia Training School for Mental Defectives or in some private institution of a like nature and shall permit him or her to go at large, then any reputable citizen of said county may make application for commitment, in writing and under oath, to the ordinary of said county, and shall not be subject to exception or demurrer for defects of form. When application is filed in the court of ordinary for the commitment of an alleged mentally defective person the judge of that court shall appoint two physicians to examine such person and determine whether or not such person is mentally defective. Both of these physicians shall be selected as being the most capable physicians available because of knowledge of and training in mental medicine, and neither of them shall be related in any wise to the person sought to be committed, it being understood and provided that any court of the State where a prisoner is on trial for a misdemeanor offense and the judge of such court shall have cause to believe that such prisoner is mentally defective, then he

may appoint two physicians to examine the prisoner to ascertain whether or not said prisoner is in reality mentally defective; and if said physicians shall pronounce said prisoner to be mentally defective, then the judge may commit said prisoner to the Georgia Training School for Mental Defectives. In either of the cases named above the physicians making the examination shall be required to make such examination complete and thorough, both physically and mentally, and shall be required to make to the court appointing them certification as to their findings in the matter. This certification shall be in the form prescribed by the State board of health and shall be made in duplicate, one copy of the same being sent with the patient when committed to the Georgia Training School for Mental Defectives and the other copy being filed with the court of ordinary in the county from which said person is committed; and it shall be the duty of the superintendent of said Georgia Training School for Mental Defectives to refuse admission to any person unless he or she shall present a copy of said certification. That it shall be the duty of the sheriff, when directed by writ by the clerk of the court, to convey such mentally defective person to the training school for mental defectives as ordered by the court. It shall be the duty of the sheriff to protect such person until such time as he can be conveyed to the institution directed. In the case of a female being taken to the institution, a female attendant must be provided. All expenses connected with the conveying of such mentally defective person to the training school for mental defectives shall be borne by the county in which said person has legal settlement.

(c) The relative, guardian, or friend of any inmate of any State institution shall have the right and power to appeal to the court placing said inmate in said institution for an order from said court directing an examination, in the regular and legal method, of said inmate to determine whether or not he or she is mentally defective; and if such inmate shall be adjudged mentally defective, then the said court shall have the right to remove him or her from the institution in which said inmate might be, and commit him or her to the Georgia Training School for Mental Defectives, it being hereby provided that this shall apply to only those who might have in the first instance been committed to the said Georgia Training School for Mental Defectives as provided in clauses (a) and (b) of this section: *Provided*, Nothing, however, in this act shall have the effect of denying the right of appeal to any person so adjudged a person of feeble mind, but all issues of fact arising by virtue of any report of any officer or commission herein provided for, duly traversed by the person so adjudged or by anyone acting for such person, shall be tried before a special jury in the court in which the question arises.

SEC. 5. The training and treatment of those admitted to the Georgia Training School for Mental Defectives shall be along such educational, medical, and industrial lines as have proved effective in the most approved institutions for this type of persons.

SEC. 6. When, in the judgment of the superintendent of the Georgia Training School for Mental Defectives, a patient or inmate of said institution shall, under the treatment given therein, improve mentally and physically to such an extent as to no longer constitute a menace to himself or others as set forth in section 3 of this act, then the said superintendent shall have the right and it shall be his duty to parole or discharge such patient or inmate, under such rules and regulations as may be scientifically promulgated by the State board of health.

SEC. 7. There is hereby authorized an appropriation in a sum not to exceed \$100,000 for said institution, which appropriation shall be used for the erec-

tion of proper buildings, for the purchase of lands, and for the maintenance of said Georgia Training School for Mental Defectives, and the expense of the temporary board of control as provided in section 1 of this act: *Provided*, Whenever, in the judgment of the governor, said funds are available.

Sec. 8. In case there is no room in the training school for mental defectives for the person found to be mentally defective, and in case suitable and competent guardian for said mentally defective person can be found, it is within the jurisdiction of the court to appoint such person guardian both of the estate and the person of the one so found to be mentally defective.

HAWAII.

Tuberculosis—Change of Address of Infected Person to be Reported. (Reg. Bd. of H., Sept. 22, 1919.)

Any person afflicted with tuberculosis who shall change his or her residential or business address shall immediately, upon such change of address being made, report or cause the same to be reported to the antituberculosis bureau of the board of health, either in person or by means of a reliable informant, or by means of a written notification addressed to the antituberculosis bureau of the Territorial board of health. All such persons residing in the city and county of Honolulu shall make the said report directly to the said antituberculosis bureau in Honolulu, and all such persons residing in the other counties of the Territory shall make the said report to the nearest antituberculosis nurse or to the nearest inspector or agent of the board of health, who shall, with all convenient dispatch, transmit the same to said antituberculosis bureau in Honolulu.

Board of Health—Authorized to Make Regulations. (Act 235, Apr. 30, 1919.)

SECTION 1. Section 918 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

SEC. 918. The board of health, with the approval of the governor, may make such regulations respecting nuisances, foul or noxious odors, gases or vapors, water in which mosquito larvæ breed, sources of filth, causes of sickness or disease, within the respective districts of the Territory and on board of any vessel; as also respecting adulteration and misbranding of food or drugs; location, air space, ventilation, sanitation, drainage and sewage disposal of buildings, courts, areas, and alleys; privy vaults and cesspools; fish and fishing; interments and dead bodies; cemeteries and burying grounds; laundries, stables, bakeries, poi shops, abattoirs, fish, meat, or vegetable stores or markets, hotels, lodging houses, tenements, or any place or building where noisome or noxious trades or manufactures are carried on or intended to be carried on; milk, poisonous drugs; pig and duck ranches; as it shall deem necessary for the public health and safety.

Milk and Ice Cream—When Deemed Adulterated. Frozen Dairy Products Made in the Semblance of Ice Cream—Manufacture and Sale. (Act. 236, Apr. 30, 1919.)

SECTION 1. Paragraph 6 of subsection b of section 992 of the Revised Laws of Hawaii, 1915, as amended by act of 164¹ of the session laws of 1917, is hereby amended to read as follows:

(6) In the case of milk, if it is the product of a diseased animal, or if it contains less than 11½ per cent of total solids or 3 per cent of butter fat, or if it contains any preservative or antiseptic.

¹ Supplement 37 to Pub. Health Repts., p. 105.

SEC. 2. Paragraph 8 of subsection *b* of section 902 of the Revised Laws of Hawaii, 1915, as amended by act 164 of the session laws of 1917, is hereby amended to read as follows:

(8) In the case of ice cream, if it contains less than 14 per cent of butter fat, except in the cases of fruit or nut ice cream, in which cases it shall contain not less than 12 per cent of butter fat. Ice cream is a frozen product made from pure milk substances and sugar, with or without a natural flavoring, and there may be permitted in its manufacture fresh eggs and not exceeding 1 per cent of pure gelatin, gum tragacanth, or vegetable gum. The milk substances permitted are milk, cream, butter, condensed milk, and skimmed milk. The use of a homogenizer, an emulsifier, or other apparatus intended for the better mixing of the product is permitted. Any wholesome frozen dairy product made in the semblance of ice cream but containing less than 14 per cent butter fat may be sold, but not as ice cream. Such wholesome frozen dairy products made in the semblance of ice cream but not containing 14 per cent of butter fat shall be known as "ice milk," or "frozen dainty," or "frozen sweets." Every tub, receptacle, or packer in which there shall be kept, sold, or delivered at any time any "ice milk," or "frozen dainty," or "frozen sweets," shall have conspicuously and securely attached thereto a durable tag giving the name and address of the vendor of the same and containing the words "ice milk," or "frozen dainty," or "frozen sweets," as the case may be, in letters at least 1 inch high and one-half inch wide.

Every wagon, vehicle, or cart in or from which any "ice milk," or "frozen dainty," or "frozen sweets" shall be sold, furnished, delivered, or peddled shall have plainly and durably painted on both sides thereof the name and address of the vendor in letters at least 3 inches high and 1½ inches wide, and also the words "ice milk," or "frozen dainty," or "frozen sweets," as the case may be, on each side thereof in letters at least 4 inches high and 2 inches wide. Every person, firm, or corporation who sells, keeps for sale, delivers, or furnishes in connection with meals, or in connection with drinks, or in the preparation of drinks, or otherwise, any "ice milk," or "frozen dainty," or "frozen sweets," within the meaning of this act, to be used or eaten on the premises where sold, shall keep at all times posted or hung in at least two conspicuous places within the premises, and in plain view of the public, durable signs having printed or painted thereon the words "We sell ice milk," "We sell frozen dainty," "We sell frozen sweets," or "We serve ice milk," "We serve frozen dainty," "We serve frozen sweets," as the case may be, in letters at least 4 inches high and 2 inches wide. Wherever menu cards are used the words "We service ice milk," or "We serve frozen dainty," or "We serve frozen sweets," as the case may be, shall plainly and conspicuously appear thereon.

The absence of these tags, signs, words, and letters, as herein required, shall always be construed as a representation on the part of the owner or person serving or selling the goods that they are ice cream. It shall be unlawful for any person, firm, or corporation to manufacture, sell, deliver, furnish, serve, or keep on hand any "ice milk," or "frozen dainty," or "frozen sweets," within the meaning of this act, unless the same is done in compliance with the requirements hereof.

Sausage—Manufacture and Sale. (Reg. Bd. of H., Sept. 22, 1919.)

Whoever manufactures, offers for sale, or sells at any counter, market, and store any sausage which has been colored, or to which cereal or water has been added in accordance with the regulation of the Bureau of Animal Industry of the United States Department of Agriculture, shall keep at all times

posted or hung in a conspicuous place or places within the premises, and in plain view of the public, durable signs having printed or painted thereon the words, "Sausage, water, and cereal" and "artificially colored," as the case may be, in letters at least 2 inches high and 1 inch wide.

Bovine Tuberculosis—Prevention and Eradication—Tuberculin Tests, Appraisal, and Slaughter of Cattle—Indemnification of Owners of Destroyed Cattle. (Act 204, Apr. 30, 1919.)

Bovine tuberculosis, a disease transmissible to human beings, and especially to children, through the consumption of milk from tuberculous cows, being prevalent in the Territory of Hawaii, the board of commissioners of agriculture and forestry is hereby authorized and empowered to take the following measures for the prompt prevention, suppression, and eradication of bovine tuberculosis.

SECTION 1. All dairy cattle within this Territory more than 6 months old, and all cattle suspected of being affected with tuberculosis, shall be tuberculin-tested not oftener than once in six months, except in cases of herds being more than 15 per cent tuberculous at the last test, in which cases more frequent tests may be made, and when found to be so affected either upon physical examination or by means of the tuberculin test the affected cattle shall be branded on the left cheek with the registered brand "T R," and shall be appraised and slaughtered within a time and at a place designated by the Territorial veterinarian, his assistant, or deputy.

SEC. 2. *Appraisal.*—The Territorial veterinarian, his assistant or deputy, making the examination or test, is hereby authorized, subject to approval by the board of commissioners of agriculture and forestry, to make an agreement with the owner as to the valuation of the animal or animals condemned. In case no agreement can be reached, the president of the board or his duly authorized agent shall choose one disinterested citizen, the owner another, and the two so chosen shall designate a third, the three to act as a board of appraisers, who shall appraise such animal or animals, and whose decision, or the decision of a majority of whom shall in all cases be final. All appraisals of cattle condemned under this act, whether by agreement or by a board of appraisers, shall be based on the market value of such animal or animals on the day of appraisal. All appraisals shall be signed by the owner and the appraiser or appraisers, and shall be reported to the president of the board of agriculture and forestry. Compensation for appraisers appointed or selected pursuant to this act shall not exceed \$5 per diem and their necessary traveling expenses. The compensation of the two selected appraisers shall be borne by the owner in case the board of appraisers fail to increase the valuation made by the Territorial veterinarian, his assistant or deputy, with the approval of said board of commissioners. Otherwise the three appraisers shall be paid by the board of agriculture and forestry.

SEC. 3. *Disposal of tuberculous animals.*—All cattle reacting to the tuberculin test shall immediately be segregated and arrangements shall be made for their slaughter within a reasonable time thereafter. Such slaughter and inspection shall be under the direct supervision of the Territorial veterinarian, his assistant or deputy, and in accordance with the meat-inspection regulations of the Federal Bureau of Animal Industry. The owner shall then sell those parts of the carcass which are found to be wholesome at the current market price for that class of meat and shall be indemnified as hereinafter provided for.

SEC. 4. *Indemnification.*—The amount of indemnification shall be based upon the results of the post-mortem inspection as follows:

(a) If an animal is found upon post-mortem examination not to be affected with tuberculosis, the owner shall be paid the full appraised value less the salvage of the carcass.

(b) If an animal is found upon post-mortem examination to be affected with tuberculosis and the lesions are such that the carcass and parts thereof are passed for food, the owner shall be paid 80 per cent of the appraised value, less the salvage of the carcass; except that the total indemnification hereunder shall in no case exceed the sum of \$350 for a pure bred, registered, or entitled to registry animal, or the sum of \$250 for a grade animal.

(c) If an animal is found upon post-mortem examination to be so extensively affected with tuberculosis as to be unfit for food, the carcass and parts thereof shall be condemned for offal and the owner shall receive 50 per cent of the appraised value, less the salvage of the carcass, if any; except that such total indemnification shall not exceed the amounts set forth in paragraph (b) hereinabove.

The amount of indemnification being thus ascertained, the owner may present a claim upon the Territorial treasurer therefor. The payment of such claim shall be made upon vouchers approved by the president of the board of agriculture and forestry and supported by the owner's and appraisers' report, the receipt for the amount of salvage, the inspector's report, on the presence or otherwise of tuberculosis lesions and the disposition of the carcass, with the date and place of slaughter: *Provided*, (a) That the owner shall receive no compensation unless the board shall be satisfied that the premises have been kept in a sanitary condition and that the owner has cooperated with the board and complied with its rules and regulations: *And provided*, (b) That the board shall not certify to any claim for compensation until the infected premises have been disinfected, and sanitary and hygienic conditions are approved by said board after report by the Territorial veterinarian, his assistant or deputy: *And provided*, (c) That no payment shall be made for any imported animal which the board of agriculture and forestry has found necessary to quarantine and retest upon arrival, unless such animal has been in the Territory six months from the date of said retest, or unless such animal is found upon post-mortem examination not to be affected with tuberculosis.

In case of any report or ruling adverse to the owner hereunder, said owner shall be given a hearing before said board before a final ruling is made.

SEC. 5. The board of agriculture and forestry is hereby authorized to cooperate with the Federal Bureau of Animal Industry in its efforts to eradicate bovine tuberculosis or any other transmissible disease of animals.

SEC. 6. For the purpose of this act, the sum of \$20,000, in addition to any moneys now appropriated and available for this purpose, is hereby appropriated.

SEC. 7. Act 121,² session laws of 1917, is hereby repealed.

Soda Fountains and Ice-Cream Parlors—Sterilization of Utensils. (Reg. Bd. of H., Sept. 22, 1919.)

Regulation No. 2, for the prevention and control of Spanish influenza, adopted and approved January 23, 1919, is hereby amended to read as follows:

REG. NO. 2. That the proprietors of soda-water fountains, soft-drink, and ice-cream establishments, counters, and fountains within the Territory of Hawaii be, and are hereby, required to sterilize, after each use thereof, all

² Supplement 37 to Pub. Health Repts., p. 104.

drinking glasses, spoons, and other eating and drinking utensils, by boiling the same for a period of not less than 20 minutes, or by dipping the same in a strong solution of lye, or by steam, or by any other effective method of sterilization: *Provided, however,* That where paper cups are exclusively used in such establishment, such drinking utensils need not be so sterilized.

Jelly Containers, Soda Water Bottles, and Milk Bottles—Sterilization. (Reg. Bd. of H., Sept. 22, 1919.)

All jelly and jam bottles, jars, and glasses, soda-water and milk bottles, before being used or reused, shall be thoroughly washed and sterilized by dipping the same in a strong solution of lye, or by boiling, or by steam, or by any other effective method of sterilization.

Wrapping of Merchandise and Food—Use of Newspapers Prohibited. (Reg. Bd. of H., Jan. 30, 1919.)

REG. No. 5. That the use of newspapers in the wrapping of merchandise and of all articles of food be, and the same is hereby, prohibited.

Births, Deaths, and Marriages—Filing and Binding Records of. (Act 68, Apr. 11, 1919.)

SECTION 1. Section 1138 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

SEC. 1138. *Filing records.*—It shall be the duty of the registrar general to file the records of births, deaths, and marriages received from the several registrars, and as soon as practicable, bind the same in compact form in the manner hereinafter provided. The records of births, deaths, and marriages shall each be kept and bound separately in chronological order.

Nuisances or Other Things Detrimental to Public Health—Abatement. (Act 80, Apr. 14, 1919.)

SECTION 1. Section 931 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

SEC. 931. *Ordering owner to remove.*—Whenever any such nuisance, foul or noxious odors, gases or vapors, water in which mosquito larvæ breed, source of filth, or cause of sickness or disease, shall be found on private property the said board shall cause notice to be given to the owner or owners to remove and abate the same at his or their own expense within such reasonable time as the board may deem proper. A duplicate of the notice so given shall be left with one or more of the tenants or occupants of the premises; if the premises be unoccupied, notice shall be mailed to the last known place or residence to the owner or owners, if residing in the Territory. If the owner resides out of the Territory, or can not be reached with notice speedily, notice left at the house or posted on the premises shall be deemed sufficient, and if the owner or owners thus notified shall not comply with such notification or order of the board of health, or its agent, within the time specified, the board or its agent may apply to the district court of the district in which the property is situated for an order authorizing said department to execute and carry out the provisions of said notice, or for an order to abate such nuisance and remove, destroy, or prevent the cause of such foul or noxious odors, gases, or vapors, water in which mosquito larvæ breed, source of filth, or cause of sickness or disease, or other thing detrimental to public health, and said board

shall have a right to recover, by appropriate proceedings, the expenses incurred by it in such abatement, removal, destruction, or prevention, from any person or persons who shall have caused or allowed such nuisances, source of foul or noxious odors, gases or vapors, water in which mosquito larvæ breed, source of filth, or cause of sickness or disease, or other thing detrimental to the public health, and from any owner, tenant or occupant of the premises who, after notice as aforesaid, shall have failed to abate, remove, destroy or prevent such nuisance, source of foul or noxious odors, gases or vapors, water in which mosquito larvæ breed, source of filth, or cause of sickness or disease, or other thing detrimental to the public health within the time specified in such notice.

In no case shall the said department or any officer or agent thereof be liable for costs in any action or proceeding that may be commenced in pursuance of this act.

Wood Alcohol or Preparations Containing Wood Alcohol—Labeling of Containers in Which Offered for Sale. (Act 132, Apr. 25, 1919.)

SECTION 1. All bottles and other containers in which wood alcohol or methyl alcohol is offered for sale and [sic] or sold, or in which any liquid which contains wood or methyl alcohol is offered for sale and [sic] or sold, shall be plainly labeled as follows: "Poison: Laau make." Any person, firm, or corporation who or which shall violate the provisions of this act shall be guilty of a misdemeanor and punishable by imprisonment for not more than one year or by fine of not less than \$100 nor more than \$1,000, or by both such fine and imprisonment.

IDAHO.

Communicable Diseases—Notification of Cases—Quarantine—Quarantine Guards—Isolation—Placarding—Disinfection—Preventive Measures. (Ch. 10, Act Feb. 25, 1919.)

SECTION 1. That section 1100 of chapter 64 of the Compiled Laws of Idaho be amended to read as follows:

SEC. 1100. It shall be the duty of the local board of health, when a case of smallpox, cholera, plague, yellow fever, typhus fever, diphtheria, membranous croup, scarlet fever, infantile paralysis, Spanish influenza, and cerebrospinal meningitis, or any other dangerous, contagious, or infectious disease is reported within its jurisdiction, to at once cause to be placed, in a conspicuous position on the house wherein any of the aforesaid diseases occur, a quarantine card having printed on it in large letters the name of the disease within, and to prohibit entrance to or exit from such house without written permission from the board of health. No person quarantined by a board of health on account of having a contagious disease, or for having been exposed thereto, shall leave such quarantined house or place without the written permission of the board of health. Every physician attending a person affected with any of the aforementioned diseases, shall use such precautionary measures to prevent the spread of the disease as may be required by the board of health. No person shall remove, mar, deface, or destroy such quarantine card, which shall remain in place until after the patient has been removed from such house, or has recovered and is no longer capable of communicating the disease, and the said house and the contents thereof have been properly purified and disinfected under the direction of the board of health; and where other inmates of said house have been exposed to and are liable to become ill of any of said diseases, for a period thereafter, counting from the completing of disinfection, as follows, to wit: In diphtheria and membranous croup, 14 days; in smallpox, 17 days; in scarlet fever, 10 days; in cholera or yellow fever, 7 days; in typhus fever, 21 days; in cases of measles, chicken pox, and whooping cough, and the disease commonly known as Spanish influenza, or either of them, the board of health shall require the same report of cases, and shall enforce the same quarantine and preventive measures as are provided for in this article in case of scarlet fever: *Provided, however,* That in case of measles, chicken pox, whooping cough, or the disease commonly known as Spanish influenza, or either of them, the patient suffering from the disease shall be isolated, and if isolation of the patient is not practicable, then the premises in which such patient resides shall be placed under quarantine. The board of health may employ as many persons as it deems necessary to execute its orders and properly guard any house or place containing any person or persons affected with any of the diseases named herein, or who have been exposed thereto, and such persons shall be sworn in as quarantine guards, shall have police powers, and may use all necessary means to enforce the provisions of this article for the prevention of contagious

or infectious diseases or the orders of any local board of health made in pursuance thereof. Any person on whom a duty is imposed by the provisions of this section who fails, neglects, or refuses to perform the same as herein required shall be guilty of a misdemeanor, and on conviction thereof shall be fined a sum not exceeding \$50, or be imprisoned in the county jail not exceeding 90 days, or shall suffer both fine and imprisonment.

Tuberculosis Hospital Districts—Creation. State Tuberculosis Commission—Creation, Appointment, Compensation, Powers, and Duties. Tuberculosis Hospitals—Construction, Equipment, and Maintenance—Powers and Duties of Medical Directors—Admission, Treatment, and Maintenance of Patients. (Ch. 58, Act Mar. 14, 1919.)

SECTION 1. That there are hereby created within the State of Idaho 2 tuberculosis hospital districts to be known as the northern tuberculosis hospital district, and the southern tuberculosis hospital district, the boundaries of which shall be as follows:

The northern district shall comprise all the territory now included within the boundaries of Bonner, Boundary, Kootenai, Benewha, Shoshone, Latah, Clearwater, Nez Perce, Lewis, and Idaho Counties, and the southern district shall comprise all the remaining area of the State of Idaho.

SEC. 2. That within 30 days after this act becomes a law a State tuberculosis commission shall be created, composed of five citizens of Idaho, four members of which shall be appointed by the governor for terms of one, two, three, and four years respectively, and thereafter one member shall be appointed each year for a term of four years. Of the four members so appointed, two shall be from the northern district, and two from the southern district. One of said four members shall be a physician, one an educator and one a business man. The fourth member shall be chosen without regard to his vocation. Any vacancies in said commission shall be filled by the governor within 30 days after the occurrence thereof by appointment for the unexpired term. Any member of said commission may be removed by the governor, for cause, after a public hearing has been granted. The secretary of the State board of health shall be ex officio a member of said commission, and shall serve as secretary of the State tuberculosis commission. If his office shall be abolished, the rights, powers and duties vested in him under this act shall devolve upon the officer or board authorized by law to exercise the same. Members of the State tuberculosis commission shall serve without pay, but shall receive their necessary and actual expenses, and are authorized to employ such clerical help as may be necessary upon presentation of vouchers covering such expenses, such expenses to be audited and paid in the same manner as the other expenses of the district tuberculosis hospitals from the State tuberculosis hospital fund hereinafter created.

SEC. 3. The construction and equipment of said tuberculosis hospital districts shall be let to the lowest and best bidder; all bids shall be submitted to the State tuberculosis commission. The commission shall have the right to reject any and all bids or to let the contract for a part or all of the work. The commission is empowered to advertise for bids at such times and in such manner as it shall deem best, and prescribe the conditions on which bids will be considered. The initial cost and expense of constructing and equipping said tuberculosis district hospitals shall be as nearly equal as may be.

SEC. 4. That an ad valorem tax of one-fourth of 1 mill on each dollar of taxable property within the State of Idaho, not exempt from taxation, shall be levied for the year 1919, and one-eighth of 1 mill for the year 1920, for the pur-

pose of providing a fund for the construction, equipment; support and maintenance of the said district tuberculosis hospitals, which fund is hereby appropriated for said purposes. Said levy shall be based upon the assessment rolls of the various counties for the preceding year, and said tax shall be collected as other taxes for State purposes. The proceeds of said tax shall be [paid?] to the State treasurer and placed in a special fund to be known as the district tuberculosis hospital fund.

Provided, That vouchers shall be presented and honored for a rotary or general expense fund for each of said district tuberculosis hospitals in the amounts named below, or in such larger amounts as may be deemed advisable or expedient by the State board of examiners: Northern district tuberculosis hospital, \$1,000; southern district tuberculosis hospital, \$1,000: *Provided further*, That the receipts and income from each of said institutions shall be dealt with in accordance with the provisions of this act, except that the State board of examiners, on the application of the State tuberculosis commission, may authorize the said receipts and income to be expended for supplies, equipment, labor, or other facilities without said proceeds being deducted from the appropriation herein made for such institutions.

SEC. 5. That there is hereby appropriated out of any money in the State treasury, not otherwise appropriated, the sum of \$5,000 to pay the actual and necessary expenses of the members of the State tuberculosis commission incurred by them in the performance of their duties under this act. The sum herein appropriated for such purpose shall be paid out by the State treasurer upon warrants drawn against the general fund of the State, and any moneys so expended shall be charged against the State tuberculosis fund.

SEC. 6. That the secretary of the commission is hereby authorized to certify all claims against the State tuberculosis hospital fund to the State board of examiners, and the State board of examiners, upon the approval of such claims, shall cause the State auditor to draw warrants for the amount of the same.

SEC. 7. *Powers and duties of the State tuberculosis commission.*—(a) The members of the State tuberculosis commission shall meet on the second Monday in April, 1919, and organize by the election of a president, one or more vice presidents, and a secretary as hereinbefore provided. Such officers shall serve for one year and until their successors are elected. Said commission shall have power to adopt rules and regulations for their own guidance. A regular meeting of the said commission shall be held on the second Monday in April of each year, at such place as the president of the commission shall designate, and special meetings may be held on call of the president at such times and places as he shall determine. Notice of regular and special meetings shall be given by the secretary, in writing, at least 10 days before holding the same.

(b) They shall acquire by purchase, or otherwise, real property for two district tuberculosis hospital sites, said sites to be high and dry, and generally favorable to the treatment of tuberculosis; they shall be as near the center of the districts as possible with due regard to suitability for the purpose, and the accessibility from all parts of the districts, and be adjacent to some incorporated town or city, and shall consist of not less than 10 acres of ground for each site; such sites shall be separate and apart from those designated for almshouses. The State tuberculosis commission is hereby authorized to accept in the name of the State a grant or conveyance of suitable lands for such district hospitals and any other gifts or endowments for the support thereof, and if such suitable lands can not be secured by grant or donation, it shall have the power to purchase the same or to condemn the same in the name of the State with the approval and consent of the governor.

(c) They shall cause plans and specifications to be made for two tuberculosis hospitals and all other necessary buildings; make any necessary improvements and repairs, and alter any existing building or buildings for the use of said district tuberculosis hospitals, but all plans shall provide for a hospital in each district of not less than 50 beds for adult patients suffering from tuberculosis, and a pavilion or wing of like construction of not less than 15 beds for children suffering from tuberculosis.

(d) They shall visit each district tuberculosis hospital semiannually for the purpose of inspecting all books, papers, and accounts and of informing themselves as to the welfare of the patients. The two members of the State tuberculosis commission residing in their respective districts shall visit and inspect the tuberculosis hospitals in their district at least every three months, and shall file their report within 15 days thereafter with the secretary of the commission.

(e) They shall issue rules for the standardization of the two district tuberculosis hospitals and draft forms for the medical and social records of patients in the district tuberculosis hospitals and install in said hospitals a uniform system of accounting.

(f) They shall employ a medical director for each district tuberculosis hospital and shall fix his compensation and that of all other employees thereof.

(g) They shall approve or disapprove the reports of the medical directors within 30 days after their receipt.

(h) They shall certify to the State auditor all bills and accounts, including salaries and wages; shall certify to the number of persons cared for in whole or in part at public expense in the district tuberculosis hospitals, the exact date each person was admitted, the number of hospital days each person was cared for during the preceding six months, and the county of which said person is a resident. The State auditor shall then draw a warrant for the amount due under the provisions of this act.

(j) They shall have the authority to fix rates, not exceeding the per capita cost of maintenance for the preceding six months, for patients financially able to pay for treatment, and all moneys derived from such and other sources shall be deposited with the State treasurer to the credit of the tuberculosis hospital fund and shall be considered as a part of this fund and administered as hereinbefore provided.

(k) They may introduce, at their discretion, some suitable form of a reconstruction work, similar to that provided in Government hospitals for the tuberculosis, for patients reported by the medical director as able to work, such measures tending to keep patients contented while under treatment and provide them with occupations whereby they may be made economically independent after dismissal from the institution.

(l) They shall render a biennial printed report, with suitable recommendations, not later than December 1 to the governor and submit a budget for the ensuing year's expenses.

SEC. 8. *Powers and duties of the medical director.*—(a) That the medical director of each hospital shall be a legally qualified physician in good standing, with experience in tuberculosis institutional work. He shall give his entire time to the work. He shall make a careful physical examination of each patient admitted and record the result thereof, and at frequent intervals thereafter shall record the condition of each patient. He shall provide for the treatment of each patient according to his need, regardless of the patient's financial status. He shall file a quarterly report with the State tuberculosis commission covering the medical phase of the hospital work and such recommendations as

he deems necessary. He may be removed after a hearing by the State tuberculosis commission.

(b) The medical directors [sic] shall be superintendent of the hospital. He shall select all necessary employees, subject to the approval of the State tuberculosis commission, who shall be under his direct supervision and who may be removed by him, provided he reports the same to the State tuberculosis commission. He shall collect and receive all moneys, make a complete record of all his official acts and the official acts and business of the hospital, and make a report thereof quarterly to the State tuberculosis commission. He shall keep a special record of each patient admitted to the hospital on blanks provided for that purpose by the State tuberculosis commission. He shall admit the State tuberculosis commission and the State board of examiners or their duly authorized representatives at any and all times to all parts of the building and premises, and give them access on demand to all records, reports, books, papers, and accounts pertaining to the hospital. The administration of the hospital shall be under the direct supervision of the superintendent.

(c) The medical director shall have the authority to discharge from said hospital any patient who shall willfully or habitually violate the rules thereof, or who is found not to have tuberculosis, or to have recovered therefrom, or who for any other reason is no longer a suitable patient for treatment therein; and shall make a full report thereof to the State tuberculosis commission. Any person so discharged who feels he has been unfairly dealt with shall have the right to appeal to the State tuberculosis commission in writing for a hearing of his contention alleging unfair treatment, and it shall be the duty of the State tuberculosis commission to receive such appeal and appoint a time and place for a hearing, and said commission shall have the authority to compel the attendance of such witnesses as are necessary for the proper consideration of the case at hand, and whose decision on the matter shall be final.

(d) The director of each district tuberculosis hospital is hereby authorized and directed to collect and receive all moneys properly due said hospital and issue receipts therefor on prescribed forms. He shall transmit all such moneys received by him together with a detailed statement of the same to the secretary of tuberculosis commission for deposit with the State treasurer to the credit of the tuberculosis hospital fund in like manner as provided for all moneys properly due the State of Idaho.

SEC. 9. That any person who has resided for a period of six months in the district in which the hospital is situated desiring treatment in such hospital may apply in person to the medical director or to any reputable physician for examination, and such physician, if he finds that said person is suffering from tuberculosis in any form, may apply to the medical director for his admission. Blank forms for such application which have been approved by the State tuberculosis commission shall be provided by each of said hospitals and shall be forwarded by the medical director thereof gratuitously to any reputable physician in the district. So far as possible, application for admission to the hospital shall be made upon such forms. The medical director of the hospital, upon receipt of such application, if it appears therefrom that the patient is suffering from tuberculosis and if there is a vacancy therein, shall notify the applicant to appear in person at the hospital. If upon personal examination of such patient the medical director is satisfied that such person is suffering from tuberculosis, he shall admit him to the hospital as a patient. All such applications shall state whether in the judgment of the physician the person is able to pay in whole or in part for his treatment at the hospital, and every applica-

tion shall be filed and recorded in a book kept for that purpose in the order of their receipt. When said hospital is completed and ready for the treatment of patients, or whenever thereafter there are vacancies therein, admission to said hospital shall be made in the order in which the names of the applicants appear upon the application book to be kept as above provided, in so far as such applicants are certified to by the medical director to be suffering from tuberculosis. No discrimination shall be made in the accommodation, care, or treatment of any patient because of the fact that the patient or his relatives contribute to the cost of his maintenance in whole or in part, and no patient shall be permitted to pay for his maintenance in such hospital a greater sum than the average per capita cost of maintenance for the preceding quarter, including a reasonable allowance for the interest on the cost of the hospital, and no officer or employee of such hospital shall accept from any patient thereof any fee, payment, or gratuity whatsoever for his services.

Whenever a patient has been admitted to said hospital from the district in which the hospital is situated, the medical director shall cause inquiry to be made of the board of county commissioners of the county in which he resides as to his circumstances, and of the relatives of such patient legally liable for his support. If he finds that such patient or said relatives legally liable for his support are able to pay for his treatment in whole or in part, an order shall be made directing such patient, or said relatives, to pay to the director of the district tuberculosis hospital for the support of such patient a specified sum per week in proportion to their financial ability, but such sum shall not exceed the actual per capita cost of maintenance for the preceding quarter. The county commissioners of the county in which the patient resides shall have the power and authority to collect such sum from said patient or his estate, or from his relatives legally liable for his support. If the medical director finds that such patient or said relatives are not able to pay, either in whole or in part, for his care and treatment in such hospital, said patient shall be admitted free of charge. Financial arrangements with patients shall be considered confidential by the State commission and the hospital staff.

SEC. 10. That the term commission used herein shall mean the State tuberculosis commission. The term northern or southern district used herein shall mean northern or southern tuberculosis hospital district.

Civil Administrative Code—Public Health Activities Placed Under Department of Public Welfare. (Ch. 8, Act Feb. 19, 1919.)

ARTICLE I. ORGANIZATION OF CIVIL STATE DEPARTMENTS.

SECTION 1. *Gubernatorial responsibility.*—The supreme executive power of the State is vested by the constitution, Article IV, section 5, in the governor, who is expressly charged with the duty of seeing that the laws are faithfully executed. In order that he may exercise a portion of the authority so vested and in addition to the powers now conferred upon him by law, civil administrative departments are hereby created, through the instrumentality of which the governor is authorized to exercise the functions in this chapter assigned to each department, respectively.

SEC. 2. *Departments enumerated.*—Civil administrative departments of the State government are created as follows:

7. Department of public welfare.

SEC. 3. *Heads of departments.*—Each department shall have an officer at its head who shall be known as a commissioner, who shall, subject to the pro-

visions of this act, execute the powers and discharge the duties vested by law in his department.

SEC. 4. *Heads of departments enumerated.*—The following officers are created:

* * * * *

Commissioner of public welfare, for the department of public welfare.

* * * * *

SEC. 5. *Other departmental officers.*—In addition to the commissioners of departments, the following executive and administrative officers enumerated after the name of each department, respectively, are hereby created.

* * * * *

In the department of public welfare.

Public health adviser.

* * * * *

SEC. 7. *Special qualifications required of certain officers.*—

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In the department of public welfare.—The public health adviser shall be a person experienced in the practice of public health and sanitation and authorized under the laws of this State to practice medicine and surgery.

* * * * *

SEC. 9. *Salaries.*—The commissioner of each department shall receive an annual salary of \$3,600, payable in equal monthly installments. Other officers shall receive such salaries as shall be fixed by the commissioner of the department, with the approval of the governor, not exceeding the amount appropriated by the legislature therefor.

SEC. 10. *No compensation for advisory boards.*—No member of an advisory and nonexecutive board shall receive any compensation.

Officers to devote entire time to official duties.—Each executive and administrative officer shall devote his entire time to the duties of his office and shall hold no other office or position of profit: *Provided*, That an elective State officer may be appointed to any office herein created, in which event he shall receive no salary other than by virtue of his elective office.

SEC. 11. *Appointment of officers.*—All officers created by this act shall be appointed by the governor, and, except those who under the constitution are appointed for specified terms, may be removed in his discretion.

SEC. 12. *Bonds of commissioners.*—The commissioner of each department shall, before entering upon the discharge of the duties of his office, give an official bond, with security to be approved by the governor, in such penal sum as shall be fixed by the governor, not less in any case than \$5,000, conditioned for the faithful performance of his duties. * * *

ARTICLE II. CONDUCT OF DEPARTMENTS.

SEC. 13. *Administrative rules.*—The commissioner of each department is empowered to prescribe regulations, not inconsistent with law, for the government of his department, the conduct of its employees and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, books, documents, and property pertaining thereto.

SEC. 14. *Offices.*—Each department shall maintain a central office at the capitol. The commissioner of each department may, in his discretion and with the approval of the governor, establish and maintain, at places other than the seat of government, branch offices for the conduct of any one or more functions of his department.

SEC. 15. *Seal.*—Each department shall adopt and keep an official seal.

SEC. 16. *Employees.*—Each department is empowered to employ necessary employees, and, if the rate of compensation is not otherwise fixed by law, to fix their compensation.

SEC. 17. *Bonds of employees.*—The commissioner may require an official bond in such sum and with such security as he deems necessary from any officer or any employee of his department.

SEC. 18. *Hours for service.*—All employees in the several departments shall render not less than seven hours of labor each day, Saturday afternoons, Sundays, and holidays excepted in cases in which, in the judgment of the commissioner, the public service will not thereby be impaired.

SEC. 19. *Annual leave.*—Each employee in the several departments shall be entitled during each calendar year to only 14 days' leave of absence with full pay.

SEC. 20. *Compensation in full for public service.*—No employee in the several departments, employed at a fixed compensation, shall be paid for any extra service, unless expressly authorized by law.

SEC. 21. *Reports.*—Each commissioner of a department shall annually on or before the 1st day of December, and at such other times as the governor may require, report in writing to the governor concerning the condition, management, and financial transactions of his respective department.

SEC. 22. *Cooperation of departments.*—The governor shall devise a practical and working basis for cooperation and coordination of work, eliminating duplication and overlapping of functions. All departments shall, so far as practicable, cooperate with each other in the employment of services and the use of quarters and equipment. The commissioner of any department may empower or require an employee of another department, subject to the consent of the superior officer of the employee, to perform any duty which he might require of his own subordinates.

Whenever in this act power is vested in a department to inspect, examine, secure data, or information, or to procure assistance from another department, a duty is hereby imposed upon the department upon which demand is made, to make such power effective.

SEC. 23. *Gross receipts payable into treasury.*—The gross amounts of money received by every department, from whatever source, belonging to or for the use of the State, shall be paid into the State treasury, without delay without any deduction on account of salaries, fees, costs, charges, expenses, or claim of any description whatever and shall be credited to such fund or funds as are now or may hereafter be designated by law for the deposit thereof. No money belonging to, or for the use of, the State shall be expended or applied by any department, except in consequence of an appropriation made by law and upon the warrant of the auditor.

SEC. 24. *Requisition to make funds available.*—Each department shall, before an appropriation to such department becomes available for expenditure, prepare and submit to the department of finance an estimate of the amount required for each activity to be carried on, and accounts shall be kept and reports rendered showing the expenditures for each such purpose.

SEC. 25. *Departments successors to abolished offices.*—Whenever rights, powers, and duties, which have heretofore been vested in, or exercised by, any officer, board, commission, institution, or department or any deputy inspector or subordinate officer thereof, are, by this act, transferred, either in whole or in part, to or vested in a department created by this act, such rights, powers, and duties shall be vested in, and shall be exercised by, the department to which the same are hereby transferred, and not otherwise, and every act done

in the exercise of such rights, powers, and duties shall have the same legal effect as if done by the former officer, board, commission, institution, or department, or any deputy, inspector, or subordinate officer thereof. Every person shall be subject to the same obligations and duties and shall have the same rights arising from the exercise of such rights, powers, and duties as if such rights, powers, and duties were exercised by the officer, board, commission, department, or institution, or deputy, inspector, or subordinate thereof, designated in the respective laws which are to be administered by departments created by this act. Every person shall be subject to the same penalty or penalties, civil or criminal, for failure to perform any such obligation or duty, or for doing a prohibited act, as if such obligation or duty arose from, or such act were prohibited in, the exercise of such right, power, or duty by the officer, board, commission, institution, or deputy, inspector, or subordinate thereof, designated in the respective laws which are to be administered by departments created by this act. Every officer and employee shall, for any offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer or employee whose powers or duties devolved upon him under this act. All books, records, papers, documents, property, real and personal, unexpended appropriations, and pending business in any way pertaining to the rights, powers, and duties so transferred to or vested in a department created by this act, shall be delivered and transferred to the department succeeding to such rights, powers, and duties.

Whenever reports or notices are now required to be made or given, or papers or documents furnished or served by any person to or upon any officer, board, commission, or institution, or deputy, inspector, or subordinate thereof, abolished by this act, the same shall be made, given, furnished, or served in the same manner to or upon the department upon which are devolved by this act the rights, powers, and duties now exercised or discharged by such officer, board, commission, or institution, or deputy, inspector, or subordinate thereof, and every penalty for failure so to do shall continue in effect.

This act shall not affect any act done, ratified, or confirmed, or any right accrued or established, or any action or proceeding had or commenced in a civil or criminal cause before this act takes effect; but such actions or proceedings may be prosecuted and continued by the department having jurisdiction under this act of the subject matter to which such litigation or proceeding pertains.

ARTICLE III. POWERS AND DUTIES OF DEPARTMENTS.

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SEC. 35. *Department of public welfare.*—The department of public welfare shall have power:

1. To exercise the rights, powers, and duties vested by law in the board of directors of the Northern Idaho Sanitarium, its president and secretary.
2. To exercise the rights, powers, and duties vested by law in the board of directors of the Idaho State Sanitarium, its president and secretary.
3. To exercise the rights, powers, and duties of the board of trustees of the soldiers' home, its chairman and secretary.
4. To exercise the rights, powers, and duties vested by law in the State board of health, the secretary of the State board of health, and all its other officers and employees.
5. To exercise the rights, powers, and duties vested by law in the bureau of vital statistics, the State registrar of vital statistics, and the assistant State registrar of vital statistics.

6. To exercise the rights, powers, and duties vested by law in the dairy, food, and sanitary inspector and his deputies and the State chemist.

ARTICLE IV. AMENDMENTS AND REPEAL.

SEC. 38. *Offices abolished.*—The following offices, boards, commissions, arms, and agencies of the State government heretofore created by law are hereby abolished: * * * Examining committee of the State board of health for the examination of embalmers, * * *; board of directors of Northern Idaho Sanitarium, its president and secretary; board of directors of Idaho State Sanitarium, its president and secretary; board of trustees of soldiers' home, its chairman and secretary; State board of health and its secretary; bureau of vital statistics, State registrar of vital statistics; assistant State registrar of vital statistics; dairy, food, and sanitary inspector and his deputies, State chemist.

SEC. 39. Section 339 of Compiled Laws of Idaho is amended to read as follows:

SEC. 339. *Office hours.*—Unless otherwise provided by law, every officer must keep his office open for the transaction of business from 9 o'clock a. m. until 5 o'clock p. m. each day, except upon holidays.

SEC. 49. By this act the legislature does not intend to deprive any of the constitutional officers or boards of duties imposed upon them by the express or implied provisions of the constitution.

SEC. 50. If any part or section of this act be decided by the courts to be unconstitutional or invalid, the same shall not affect the validity of the act as a whole, or any part thereof which can be given effect without the part so decided to be unconstitutional or invalid.

SEC. 51. *Repeal of inconsistent legislation.*—The following sections of the Compiled Laws of Idaho are hereby repealed: 86; 12:1; 13:1-3; 786 to 788, inclusive; 49:2, 3, 6; 794; 63:1 to 4, inclusive; 63:4a and 63:5; 1080, 1081, 1082, 1083, 1084; 1086b; 65:4 to 6, inclusive, and 65:10; 1153 to 1159, inclusive; 1163; 1164; 77:1 to 5, inclusive; 77:7 and 8; 79:1 to 5, inclusive; 79:7 to 9, inclusive; 1310 to 1313, inclusive; 1313a; 1314; 1315; 1317; 1329; 1330a; 1330b; 1330d; 1341; 1343; 1357 to 1359, inclusive; 1366; 1367; 1374; 1374a to 1374e, inclusive; 1376; 1385 to 1388, inclusive; 88:1 to 3, inclusive; 90:1 to 4, inclusive; 91:1; 92:1 to 9, inclusive; 1401; 109:1; 117:1 to 7, inclusive; 117:9; 117:10; 117:13 to 15, inclusive; 126:1 to 6, inclusive; 220:1 to 7, inclusive; 220:11 to 13, inclusive; 223:1 to 9, inclusive; 256:76, 85.

SEC. 52. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 53. *Time of taking effect.*—The necessity for the reorganization of the civil departments of State to conform to this act at as early a date as possible, so as to effect a saving in administrative expense and an increase in efficiency, creates an emergency within the meaning of the constitution, and this act shall be in force and take effect from and after March 31, 1919.

Bureau of Child Hygiene—Creation and Duties. (Ch. 121, Act Mar. 11, 1919.)

SECTION 1. There is hereby created in the department of public welfare a bureau to be known as the division [sic] of child hygiene, to be under the general supervision and direction of the department, the director of which bureau shall be the commissioner of the public welfare, or some woman, if any there be, in that department.

SEC. 2. The general duties of the bureau of child hygiene shall include the issuance of educational literature on the care of the baby and the hygiene of the child, the study of the causes of infant mortality and the application of preventive measures for the prevention and suppression of the diseases of infancy and early childhood, and such other duties as are prescribed by the department.

Graduate Trained Nurses—Counties Authorized to Employ—Duties and Salary. (Ch. 142, Act Feb. 11, 1919.)

SECTION 1. The board of county commissioners of any county is authorized and empowered to employ a graduate trained nurse or nurses whose duties shall be as follows: To act as consulting expert on hygiene for all schools not already having medical inspection either by physician or visiting nurse; to assist in the care of the poor in the county who are in need of such services; to give instruction to tuberculosis patients and others relative to hygienic measures to be observed in preventing the spread of tuberculosis; to aid in making a report of existing cases of tuberculosis; to act as a visiting nurse throughout the county; to hold clinics; in cooperation with the juvenile court to look after child welfare work in the county and to perform such other duties as nurse and hygienic expert as may be assigned by the county board. Every such visiting nurse shall at the end of each month make a report in writing to the county commissioners, which report shall show the visits made during the month then ending, clinics held, assistance rendered, and the requests made for such services, and such other information as the county board may from time to time require.

SEC. 2. The salary of any such nurse or nurses shall be fixed by said board of county commissioners, who may make appropriation for the same out of the general tax fund of the county or out of other available funds not otherwise appropriated.

Tuberculosis in Cattle—Eradication—Appraisal of Animals to be Destroyed—Indemnification of Owners. (Ch. 144, Act Feb. 18, 1919.)

SECTION 1. That in carrying out the provisions of chapter 4 of the Compiled Laws of the State of Idaho relating to the State sanitary board and live stock inspectors, if in the opinion of the State veterinarian or other qualified veterinarian working under his direction or under the direction of the Secretary of Agriculture of the United States, it shall be deemed necessary to destroy cattle affected with tuberculosis, the procedure shall be as follows: Each animal shall be appraised according to the plan outlined by the United States Department of Agriculture (B. A. I. Order 260) except that the appraisal value as determined by the representatives of the respective departments shall be final, and compensation shall be made out of any money in the treasury of the State of Idaho, appropriated for that purpose, on the certificate of the State veterinarian or duly appointed deputy or assistant, filed with the State board of examiners: *Provided, however,* That in no case shall compensation from the State of Idaho exceed \$25 for any grade animal and \$50 for any pure-bred animal: *And provided further,* That the salvage of the animal shall first be deducted from the appraised value of the animal, and the State of Idaho shall pay one-third of the difference between the salvage and the appraised value, thereby equaling the sum provided by the United States Department of Agriculture, and leaving an equal sum to be borne by the owner thereof: *And provided further,* That no compensation shall be made for or on account of any animal destroyed, if at the time of inspection or test of such animal or at the time of destruction thereof it shall belong to or be on the premises of any person, firm, or corporation to which it has been sold, shipped, or delivered for

the purpose of being slaughtered, or is being kept in violation of any law of the United States or of the State of Idaho, or any rule or regulation of the Bureau of Animal Industry of the United States Department of Agriculture or the State of Idaho Live Stock Sanitary Board.

SEC. 2. That section 1162 of the Compiled Laws of the State of Idaho is hereby repealed.

SEC. 3. That the State of Idaho Sanitary Live Stock Board is authorized to cooperate with the United States Department of Agriculture in the tuberculosis eradication and accept the cooperative agreement as given in the B. A. I. Order 260 promulgated from the provisions of the act of Congress, approved October 1, 1915, and effective October 15, 1918, entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1919, and the State sanitary board of the State of Idaho and all representatives thereof are required to work in cooperation with the Bureau of Animal Industry of the Department [of Agriculture] of the United States.

Communicable Diseases in Animals—Notification of Cases—Prevention and Eradication—Quarantine—Importation of Animals Into State—Tuberculin and Mallein Tests—Indemnification of Owners for Animals Destroyed.
(Ch. 35, Act Mar. 11, 1919.)

SECTION 1. The powers in this act conferred upon the bureau of animal industry (and, unless otherwise apparent from the context, the word "bureau" hereinafter used refers to the bureau of animal industry) shall be exercised by the commissioner of agriculture or the director of animal industry and such officers, employees, and deputies as the director, with the approval of the commissioner, may authorize.

SEC. 9. In order to prevent the introduction or dissemination of disease among the animals of this State, the bureau shall be authorized and directed to quarantine any portion of this State, and it shall be unlawful to move animals from or into such quarantined area except in accordance with the rules and regulations of the bureau; and State veterinarians, live-stock inspectors, and the inspectors or agents of the Bureau of Animal Industry of the United States Department of Agriculture under the joint supervision of the State bureau and Chief of the United States Bureau of Animal Industry shall be authorized and empowered to inspect, quarantine, treat, test, and condemn, appraise, slaughter, and dispose of any animals affected or infected with any contagious, infectious, or communicable disease, or that have been exposed to any such disease, and quarantine, clean, and disinfect all premises where such animals have been kept, and for this purpose the said inspectors or agents, State and Federal, are hereby authorized and empowered to enter any field, feed yard, barn, stable, railroad car, stockyards, or other premises in this State where animals are kept. Said inspectors or agents, State and Federal, shall be empowered to call on sheriffs, constables, and peace officers to assist them in the discharge of their duties and in carrying out the provisions of this act and of said acts of Congress approved May 29, 1884, and the act of March 3, 1905. Such sheriffs, constables, and other peace officers shall give such assistance as may be requested by said inspectors in carrying out the provisions of this act and said acts of Congress.

SEC. 10. It is hereby made the duty of all persons practicing veterinary medicine in this State, or owners or persons in charge of live stock, to report to the bureau all cases of glanders, farcy, hog cholera, tuberculosis, anthrax, rabies,

dourine, or scabies that they may find existing among animals within 48 hours from the date that any such case shall come to their knowledge.

SEC. 11. It is hereby made the duty of all persons practicing veterinary medicine in this State to report to the bureau immediately, by telephone or telegraph, any and all cases of foot-and-mouth disease that they may find existing among animals of the State. Every owner of live stock and every breeder or dealer in live stock and everyone bringing live stock into this State shall, on observing the appearance of or symptoms of foot-and-mouth disease among the live stock owned by him, or under his care, give immediate notice by telephone or telegraph to the bureau of the facts discovered by him as aforesaid, and any owner of live stock who shall fail to make report as herein provided shall forfeit all claim for indemnity for animals slaughtered on account of foot-and-mouth disease in accordance with the provisions of this act and acts of Congress, and rules and regulations made and promulgated by the bureau. In the event of an outbreak of foot-and-mouth disease among any of the animals of this State the State board of examiners is authorized and empowered, in case of extreme emergency and upon the recommendation of the bureau, to issue or cause to be issued certificates of indebtedness bearing interest at the rate of 4 per cent per annum, for the purpose of reimbursing the owner of any affected or exposed animal or animals which have been appraised and slaughtered by direction of the bureau and for property destroyed and for labor employed in digging trenches and for disinfecting premises, where such infected or exposed animal or animals have been kept: *Provided*, That in no case shall the State pay over 50 per cent of the appraised value of such animals or property or for such labor and disinfecting material, and on condition that the United States Department of Agriculture pay at least 50 per cent of such expense.

SEC. 12. It shall be unlawful for any person, firm, or corporation, agent, or employee thereof, knowingly to sell, offer to sell, or in any manner to part with to another, any animal affected or infected with any contagious, infectious, or communicable disease, except for immediate slaughter, and in accordance with the meat-inspection regulations of the United States Department of Agriculture, or dispose of the meat or milk of any animal that may be affected or infected with such contagious, infectious, or communicable disease for use as food or for other purposes, except in such manner as shall be provided by the rules and regulations of the bureau, or to dispose of to another in any manner an animal or animals that may be in quarantine without notifying the purchaser of the existence of such quarantine, or until such time as the quarantine shall have been raised by the proper officer.

SEC. 13. It shall be unlawful for any person, firm, or corporation or its agents or employees to bring or cause to be brought in any manner whatsoever into this State any animal affected or infected with any contagious, infectious, or communicable disease.

SEC. 14. The bureau or the inspectors of the United States Bureau of Animal Industry shall be authorized and empowered to test (in the manner prescribed) with tuberculin any bovine animal kept or herded within this State, subject to the rules and regulations of the bureau, and when such bovine animal is found by the officer making the test, to give what the bureau shall have prescribed by its rules and regulations to be a clearly defined reaction to such tests, the said animal shall be considered to be affected with bovine tuberculosis. The reacting animal shall be slaughtered and the owner indemnified in accordance with cooperative agreement between the bureau and the United States Bureau of Animal Industry, and in accordance with the rules and regulations of the

bureau, and the meat-inspection regulations of the United States Department of Agriculture.

SEC. 15. It shall be unlawful for any person, firm, or corporation, or its agents or employees to bring or cause to be brought in any manner whatsoever into this State any cattle for dairy or breeding purposes, except strictly range cattle, unless they are accompanied by a certificate rendered in such form and manner as may be provided in the rules and regulations made and promulgated by the bureau, showing them to have been tested with tuberculin and found free from symptoms of tuberculosis by an inspector of the United States Bureau of Animal Industry or other approved veterinarian, within 60 days prior to arrival in this State, and sworn statement to the effect that they have been isolated from reactors during the interim: *Provided, however,* That in case of emergency cattle for dairy or breeding purposes, except strictly range cattle, may be brought into this State without having first been tested by an inspector of the United States Bureau of Animal Industry or other approved veterinarian, by first making application to and obtaining from the bureau a permit in such form and manner as may be provided in the rules and regulations of the bureau: *Provided further,* That said cattle shall be submitted to the tuberculin test, at the owner's expense, within 10 days after arrival in this State and under the rules and regulations of the bureau.

SEC. 16. It shall be unlawful for any person, firm, or corporation or its agents or employees to bring or cause to be brought in any manner whatsoever into this State strictly range cattle unless they are accompanied by a health certificate showing the said cattle to be free from contagious, infectious, or communicable diseases or exposure thereto, the certificate to be rendered in such form and manner as may be provided in the rules and regulations of the bureau.

SEC. 17. It shall be unlawful for any person, except the representatives of the bureau, or the inspectors of the United States Bureau of Animal Industry, to inject any tuberculin into any bovine animal in this State without first having applied to and received written or telegraphic permission to do so from the bureau, in accordance with the rules and regulations of the bureau. The bureau shall be authorized and empowered to make and promulgate rules and regulations for the appraising of animals which are deemed to be affected with tuberculosis as determined through a tuberculin test, and to indemnify the owners, but not to exceed 33 $\frac{1}{3}$ per cent of the appraised value, less the salvage, when it becomes necessary to destroy such animals in order to control or eradicate tuberculosis and to protect the public health. The indemnity is to be made jointly with the United States Bureau of Animal Industry under the act of Congress approved October 15, 1918, and in accordance with provisions of the Bureau of Animal Industry order No. 200 or any future amendments or modifications thereof.

* * * * *

SEC. 21. The representatives of the bureau, or any inspector or agent of the Bureau of Animal Industry of the United States Department of Agriculture shall have authority to quarantine temporarily, where found, or in any convenient place near by, any animals affected or infected with or exposed to the contagion or infection of any contagious, infectious, or communicable disease. The establishment of any such temporary quarantine shall be immediately reported to the bureau, and the said bureau is authorized and empowered to prescribe such rules and regulations as may be deemed necessary for the movement within the State and the handling, method of treatment, and disposition of such animals so temporarily quarantined. Written notice of such

quarantine shall be given to the owner or custodian of the quarantined animals, and it shall be unlawful to move, treat, dip, or dispose of such animals, except in accordance with said rules and regulations of the bureau.

* * * * *

SEC. 33. The representatives of the bureau or the inspectors or agents of the United States Bureau of Animal Industry shall be authorized and empowered to test with mallein any horses, mules, or asses kept or herded within this State, subject to the rules and regulations of the bureau, and when such horses, mules, or asses are found by the officers making the test to give what the bureau shall have prescribed by its rules and regulations to be a clearly defined reaction to such tests, the said animals shall be considered to be affected with glanders and shall be immediately destroyed and the carcass buried or burned under the direction of the bureau and in accordance with the rules and regulations of the bureau. The owners may be indemnified by the bureau, but not to exceed 50 per cent of the appraised value.

SEC. 34. Any person, firm, or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not less than \$100 nor more than \$5,000 for each offense.

SEC. 35. If any part or section of this act be decided by the courts to be unconstitutional or invalid, the same shall not affect the validity of the act as a whole, or any part thereof which can be given effect without the part so decided to be unconstitutional.

SEC. 36. The following sections of the compiled laws are hereby repealed: 1160 to 1162, inclusive; 1165 to 1196, inclusive; 1205 to 1216, inclusive, and 1216g.

ILLINOIS.

Influenza—Notification of Cases—Placarding—Isolation—Precautionary and Preventive Measures—Quarantine—Instructions by Physicians—Removals—Cleaning of Premises—Spitting in Public Places—Funerals. (Reg. Dept. of Public H., Sept. 15, 1919.)

RULE 1. *Influenza dangerous to public health.*—The department of public health hereby declares influenza to be a contagious, infectious, and communicable disease and dangerous to public health.

RULE 2. *Influenza to be reported; by and to whom.*—Every physician, nurse, or other attendant, druggist, principal directing officer of any hospital, school, jail, or similar institution; parent, householder, or other person having knowledge of a known or suspected case of influenza shall, within 12 hours of such knowledge of such known or suspected case coming to his notice, report the same in writing or by telephone to the local health authorities. All such reports as are made by telephone shall be followed by a written report within 12 hours.

Upon receipt of such a report the local health authorities shall immediately forward copy of same to the State department of public health, Springfield, Ill.

RULE 3. *Contents of report.*—Such report shall state the name, address, age, occupation, name, and address of employer of such diseased person, the date of onset of the disease, school attended, if any, precautions taken to prevent the spread of the infection, and the name and address of the person making the report.

RULE 4. *Placarding.*—Whenever a case of influenza is reported to the local health authorities they shall affix in a conspicuous place at each outside entrance of the building, house, or flat, as the case may be, a red warning card not less than 10 by 14 inches in size, on which will be printed in black, with bold-face type, at least the following: "Influenza," in type not less than 3½ inches in height, and "Keep out," in similar type not less than 2½ inches in height. Defacement of such placards or removal by any other person than the local health authorities or the duly authorized representative of the State department of public health is strictly prohibited.

RULE 5. *Isolation of patient and other necessary precautions.*—Any person having influenza, together with the necessary nursing attendant, shall be confined to a large, well-ventilated room of proper temperature, as remote from other occupants of the premises as is practicable and necessary to avoid contact.

The period of isolation shall continue during the course of the disease and until all clinical manifestations of the disease have disappeared and the temperature has been normal for five successive days.

None other than the necessary medical and nursing attendants shall enter the sick room or come in contact with the patient. The attendant should wear a face mask of gauze or other approved material when in attendance upon the patient and such masks shall not be removed from the sick room until they have been properly sterilized.

Visiting on premises on which a known or suspected case of influenza exists is strictly prohibited.

All discharges from the respiratory tract, mouth, throat, and nose of the patient shall be received in cloths which shall be burned immediately after using, or in vessels containing an approved disinfecting solution.

Soiled body and bed clothing shall be disinfected by boiling or by immersion in an approved disinfecting solution such as a 5 per cent compound cresol solution. Any article used by the patient or attendants, such as knives, forks, spoons, glasses, cups, plates, etc., must be disinfected before leaving the sick room. Floors, furniture, and woodwork should be wiped up daily with an approved disinfecting solution.

When the foregoing precautions are properly observed other occupants of the premises who show no evidence of illness need not be confined to the premises. It is required, however, that persons residing on premises on which a case of influenza exists should refrain from attending public gatherings and avoid unnecessary contact with other persons.

It shall be the duty of the local health authority to determine if the foregoing precautions are being observed and wherever it is discovered that proper observance is not exercised, he shall at once place the premises and all inmates thereof under strict quarantine, prohibiting inmates from leaving the premises and others from entering the premises, excepting the necessary medical attendant.

RULE 6. *Regulating admittance to hospitals.*—Whenever influenza is epidemic or threatens to become epidemic in the community, visitors shall be excluded from hospitals, asylums and other similar institutions, except in case of actual emergency, such as impending death, and shall be admitted then only when every precaution is taken to protect the patient, attendants, and other inmates, the visitor and the public.

RULE 7. *Instruction; duty of physician.*—It shall be the duty of every physician attending a case of influenza to see that the patient and attendant are properly isolated in accordance with these rules, to advise the patient, the members of the family and household and the attendant as to the nature of the disease, the means whereby infection may be avoided, and the provisions of these rules.

RULE 8. *Removals.*—No case of influenza shall be removed from the premises on which found unless consent to such removal be first obtained from the local health authorities or from the State department of public health.

No case of influenza shall be removed from any city, village, township, or county in which it is found unless consent to such removal be first obtained from the health authorities of the jurisdiction from which and to which removal is contemplated, or from the State department of public health.

RULE 9. *Terminal disinfection.*—Upon the termination of the case, the premises occupied by the patient shall be given a thorough cleansing, airing, and sunning.

RULE 10. *Spitting in public places.*—Inasmuch as the infective organism of influenza is harbored in the respiratory tract, mouth, nose, and throat, discharges from same shall not be cast in public places during an outbreak or threatened outbreak of the disease. All such discharges should be received in handkerchiefs, or cloths, which shall be burned or disinfected by boiling or immersion in any approved disinfectant after using.

RULE 11. *Funerals.*—Public funerals in deaths from influenza are prohibited. Only the inmates of the premises on which the death occurred and the immediate relatives of the family may attend. Church funerals are prohibited.

Penalties.—Health or other officers who fail, neglect, or refuse to enforce these rules, and all persons who violate them, subject themselves to a fine of not to exceed \$200 for each offense, or to imprisonment in the county jail, not to exceed six months, or both.

Venereal Diseases—Segregation and Treatment of Infected Persons by Cities and Counties—Examination, Segregation, and Treatment of Persons Charged with Crime. (Act June 28, 1919.)

SECTION 1. That any county or city may by ordinance or order provide for the segregation and treatment of persons suffering from communicable venereal diseases.

SEC. 2. Such counties or cities may provide for the procurement and maintenance of hospitals, sanitarium or clinics or for the segregation or treatment in hospitals, sanitarium or clinics already established and pay the cost and expenses thereof from the public funds of such county or city.

SEC. 3. Any person suffering from any communicable venereal disease may apply to the county or city clerk, the clerk of any county or city court or to any peace officer for admission to treatment in such county or city hospital, sanitarium or clinic, and it shall be the duty of such officer to refer such applicants to the director or person in charge of such institution to treat such applicant as the case may require.

SEC. 4. When it appears to any judge or justice of the peace from the evidence or otherwise that any person coming before him on any criminal charge may be suffering from any communicable venereal disease, it shall be the duty of such judge or justice of the peace to refer such person to the director of such hospital, sanitarium, or clinic, or to such other officer as shall be selected or appointed, for the purpose of examining the accused person, and if such person be found to be suffering from any communicable venereal disease he or she may by order of the court to be sent for treatment to a hospital, sanitarium, or clinic if any be available and if necessary to be segregated for such term as the court may impose at such hospital, sanitarium, or clinic.

Emergency Created by Epidemic—Cities and Villages Authorized to Make Necessary Expenditures to Meet. (Act June 24, 1919.)

SECTION 1. That an act entitled, "An act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872, as subsequently amended, be, and the same is hereby, amended by amending section 3 of Article VII thereof to read as follows:

SEC. 3. (ART. VII.) Neither the city council nor the board of trustees nor any department or officer of the corporation shall add to the corporation expenditures in any one year anything over and above the amount provided for in the annual appropriation bill of that year, except as is herein otherwise specially provided, and no expenditure for an improvement to be paid for out of the general fund of the corporation shall exceed in any one year the amount provided for such improvement in the annual appropriation bill: *Provided, however,* That nothing herein contained shall prevent the city council or board of trustees from, by a two-thirds vote, making additional appropriations for the purpose of making any improvement or restorations, the necessity for which is caused by any casualty or accident happening after such annual appropriation is made, nor from making expenditures nor incurring liabilities necessary to meet any emergency created by epidemic, happening after and unforeseen at the time of making the annual appropriation, nor from making appropriations neces-

sary to care for such expenditures and liabilities. The city council or board of trustees, for the purpose of providing for such additional appropriations may, by a like vote, authorize the mayor or president of the board of trustees and finance committee (in cities under the commission form of municipal government, the mayor and commissioner of accounts and finances), to borrow the amount of money necessary therefor for a space of time not extending beyond the close of the next fiscal year, which sum and the interest shall be added to the amount authorized to be raised in the next general tax levy and embraced therein. Emergency as used herein means a condition requiring immediate action to suppress, or prevent the spread of disease or to present or remove imminent danger to persons or property. Should any judgment be obtained against the corporation, the mayor or president of the board of trustees and finance committee (or commissioner of accounts and finances) under the sanction of the city council or board of trustees may borrow a sufficient amount to pay the same for a space of time not extending beyond the close of the next fiscal year, which sum and interest shall in like manner be added to the amount authorized to be raised in the general tax levy of the next year and embraced therein.

Health Promotion Weeks—Designation and Purpose. (H. J. Res. 14, 1919.)

Resolved, That the week beginning on the second Sunday in May, 1919 and 1920, are hereby designated as health promotion weeks throughout the State of Illinois; and, be it further

Resolved, That the fifty-first general assembly hereby recommends to the people of Illinois that during the weeks thus designated they shall emphasize in every possible way the need for united action against all communicable diseases and the causes thereof; and, be it further

Resolved, That the department of public health shall be, and is hereby, designated as the agency through which the programs and activities of the people during said health promotion weeks shall be carried out.

Tuberculosis Hospitals—Establishment and Maintenance by Cities and Villages. (Act June 30, 1919.)

SECTION 1. That section 1 and section 2 of an act entitled, "An act to enable cities and villages to establish and maintain public tuberculosis sanitariums," approved March 7, 1908, in force July 1, 1908, as subsequently amended, be, and the same are, hereby further amended to read as follows:

SECTION 1. That the city council of cities and boards of trustees in villages of this State shall have the power, in the manner hereinafter provided, to establish and maintain a public sanitarium and branches, dispensaries, and other auxiliary institutions connected with same within or without the limits of such cities and villages, for the use and benefit of the inhabitants of such city or village for the treatment and care of persons afflicted with tuberculosis, and shall have the power to levy a tax not to exceed two-thirds of 1 mill on the dollar annually on all taxable property of such city or village, such tax to be levied and collected in like manner with the general taxes of the city or village and to be known as the "tuberculosis sanitarium fund," which said tax shall be in addition to all other taxes which such city or village is now or hereafter may be authorized to levy upon the aggregate valuation of all property within such city or village, and the county clerk, in reducing tax levies under the provisions of section 2 of an act entitled "An act concerning the levy

and extension of taxes," approved May 9, 1901, in force July 1, 1901, as subsequently amended, shall not consider the tax for said tuberculosis sanitarium fund authorized by this act as a part of the general tax levy for city or village purposes, and shall not include the same in the limitation of 2 per cent of the assessed valuation upon which taxes are required to be extended.

SEC. 2. When 100 legal voters of any such city or village shall present a petition to the city council or board of trustees of such city or village, as the case may be, asking that an annual tax may be levied for the establishment and maintenance of a public tuberculosis sanitarium in such city or village, such city council or board of trustees, as the case may be, shall instruct the city or village clerk to, and such city or village clerk shall, in the next legal notice of the regular annual election in such city or village, give notice that at such election every elector may vote "For the levy of a tax for a public tuberculosis sanitarium," or "Against the levy of a tax for a tuberculosis sanitarium," and if the majority of all the votes cast upon the proposition is that such city or village shall be "For the tax for a public tuberculosis sanitarium," the city council or board of trustees of such city or village shall thereafter annually levy a tax of not to exceed two-thirds of 1 mill on the dollar, which tax shall be collected in like manner with other general taxes in such city or village and shall be known as the "tuberculosis sanitarium fund," and thereafter the city council or board of trustees, as the case may be, of such city or village shall include and appropriate from such fund in the annual appropriation bill such sum or sums of money as may be deemed necessary to defray all necessary expenses and liabilities of such tuberculosis sanitarium.

Tuberculosis Hospitals in Cities and Villages of Less Than 100,000—Tax Levy for Support of. (Act June 30, 1919.)

SECTION 1. That section 16¹ of an act entitled "An act to enable cities and villages to establish and maintain public tuberculosis sanitariums," approved March 7, 1908, in force July 1, 1908, as amended, be and the same is hereby amended to read as follows:

SEC. 16. Where a tuberculosis sanitarium organized under the provisions of this act is being maintained in any city or village of less than 100,000 inhabitants, the tax levy for the support of such sanitarium so maintained may be increased to a sum not to exceed 1½ mills on the dollar, and when so increased shall be levied and collected as hereinbefore provided.

Public Health Districts—Powers and Duties of Boards of Health. (Act June 30, 1919.)

SECTION 1. That section 15 of an act² entitled "An act to authorize the organization of public health districts and for the establishment and maintenance of a health department for the same," filed with the governor June 26, 1917, in force July 1, 1917, be and the same is hereby amended to read as follows:

SEC. 15. Each board of health shall have power and it shall be its duty—

1. To hold an annual meeting on the second Tuesday in April of each year, at which meeting officers shall be elected for the ensuing year;
2. To hold meetings quarterly, on the second Tuesday of January, April, July, and October;

¹ Supplement 37 to Pub. Health Repts., p. 138.

² Supplement 37 to Pub. Health Repts., p. 128.

3. To hold special meetings upon a written request signed by two members and filed with the secretary;

4. To levy annually, in addition to all other taxes which are now or hereafter may be authorized to be levied on the aggregate valuation of all property within the public health district, a special "public health tax," not to exceed $2\frac{1}{2}$ mills on the dollar, on all taxable property embraced within such public health district, according to the valuation of the same as made for the purpose of State and county taxation, to form, when collected, a fund to be known as the "public health fund";

5. To appoint a public health officer from a list of eligibles supplied by the State department of public health;

6. To appoint, upon the advice and approval of the public health officer, such nurses, chemists, experts, clerks, and assistants as the public health officer may deem necessary;

7. To fix the compensation of the public health officer, which shall in no case be less than \$1,500;

8. To establish, equip, and maintain an analytical, biological, and research laboratory;

9. To provide, equip, and maintain suitable offices, facilities, and appliances for the health officer and his assistants;

10. To pay, from the "public health fund," the salary of the public health officer and the salaries of all appointees and employees and the expense of maintenance of the public health department, including therein the expense of administering the sanitation and health laws and ordinances;

11. To acquire and hold, in the name of the public health district, real estate and personal property;

12. To receive contributions of money or property;

13. To publish annually, on or soon after the second Tuesday in April, in pamphlet form for free distribution, an annual report showing the condition of their trust on the 1st day of April of that year, the sums of money received from taxation and from other sources, giving the name of the donor, how all moneys have been expended and for what purpose, and such other statistics and information in regard to the work of the health department as they may deem of general interest.

**Milk, Cream, Ice Cream, and Other Foodstuffs—Definitions and Standards.
Ice Cream and Other Frozen Products—Manufacture and Sale. (Act
June 28, 1919.)**

SECTION 1. That section 39 of an act entitled, "An act to prevent fraud in the sale of dairy products, their imitation or substitutes, to prohibit and prevent the manufacture and sale of unhealthful, adulterated, or misbranded foods, liquors, or dairy products, to provide for the appointment of a State food commissioner and his assistants, to define their powers and duties and to repeal all acts relating to the production, manufacture, and sale of dairy and food products and liquors in conflict herewith," approved May 14, 1907, in force July 1, 1907, as amended, is amended to read as follows:

SEC. 39. In the enforcement of this act, and in the construction thereof, the following-named articles of foodstuffs, when offered for sale or exposed for sale, or sold, shall conform to the analytical requirements set opposite each, respectively:

Milk shall contain not less than 3 per cent of milk fat and not less than $8\frac{1}{2}$ per cent of solids, not fat.

Cream shall contain not less than 18 per cent of milk fat.

* * * * *

(b) Ice cream is a frozen substance, made from cream, or milk and cream, and sugar, with or without the additions of such other wholesome substances as have customarily been used in making ice cream, and contains not less than 8 per cent milk fat, and manufactured, stored, distributed, and dispensed in a sanitary manner. The following other substances have customarily been used in making ice cream: Eggs, flour, starches, butter, gelatin, flavoring, harmless colors, nuts, fruits, partries, [pastries], and condensed milks.

In the enforcement of this act and in the construction thereof all articles of food not defined in this act, when offered for sale or exposed for sale, or sold, shall conform to the definition and analytical requirements of the standard adopted and promulgated from time to time by the food standards commission: *Provided*, That standards of quality, purity, or strength for food products, adopted from time to time by the food standards commission and the regulations concerning the labeling of food products, adopted from time to time by the State food commissioner, shall constitute prima facie evidence in the trial of all cases in court of the proper standard or of the proper labeling: *Provided*, That nothing in this section shall be construed to prevent the sale of any wholesome food product which is below such standard, if such article of food be labeled so as to clearly indicate such variation: *Provided further*, That in all places where foods below such standards are sold in bulk or have been removed from its original package, there shall be placed in a prominent position a placard in large letters of not less than 1 inch in length, which shall clearly indicate such variation, so as to be easily read by customers.

(c) All persons, firms, or corporations in the State of Illinois now engaged in the manufacture of ice cream, water ices, frozen puddings or any other food products made in part from milk or cream and frozen, for sale shall, before the 1st day of September, 1919, make application to the department of agriculture for a license; and all persons, firms, or corporations that hereafter engage in the manufacture of ice cream, water ices, frozen puddings, or any other food products made in part from milk or cream and frozen, for sale, except churches, charitable institutions, picnics, Chautauquas, or other social gatherings which are not regularly engaged in such business, shall before engaging in such business apply to the department of agriculture for a license. Thereupon the director of the department of agriculture, or his agents, shall inspect the establishment, equipment, and utensils, and shall also ascertain if the building and equipment comply with the sanitary law and the rules and regulations of the department of agriculture that shall be made from time to time governing these establishments.

After the inspectors of the department of agriculture have examined the premises and have been satisfied that the places now in existence or about to be established comply with the sanitary law of the State, the department of agriculture shall notify the applicant that his place does comply, and the applicant shall then mail a check to the State treasurer covering the amount of license fee. Upon receipt of same the State treasurer shall notify the director of the department of agriculture of the receipt of said license fee and thereupon the director of the department of agriculture shall issue a license to such applicant.

The license fee for persons, firms, or corporations who manufacture ice cream, water ices, frozen puddings, or any other food products made in part from milk or cream and frozen, for their own retail purposes, except churches,

charitable institutions, picnics, Chautauquas, or other social gatherings which are not regularly engaged in such business, shall be \$1 annually, which shall be paid into the State treasury before the 1st of September of each year.

All persons, firms, or corporations who manufacture ice cream, water ices, frozen puddings, or any other food products made in part from milk or cream, and frozen, in a wholesale manner, for sale to persons, firms, or corporations who resell the same, shall pay a license fee of \$10 annually.

(d) Whosoever shall violate any of the provisions of paragraph (c) of this section shall be guilty of a misdemeanor and shall be punished as provided in section 41 of this act; and in addition thereto, the director of the department of agriculture may, after three days' notice in writing, revoke such offender's license, or he may suspend it for such time as may be necessary for such offender to put his place in order to comply with the law. Upon request, the director of agriculture shall reinspect, and if the legal requirements are found fulfilled, he shall be reinstated.

Eggs—Candling and Sale. Egg-Breaking Establishments—Licensing. (Act June 28, 1919.)

SECTION 1. That for the purposes of this act an egg shall be deemed unfit for human food if it be addled or moldy, a black rot, a white rot, or a blood ring, or if it has an adherent yolk or a bloody or green white; or if it be incubated beyond the blood-ring stage; or if it consists in whole or in part of a filthy, decomposed, or putrid substance.

It shall be unlawful for a person, firm, or corporation to sell, offer for sale, or have in possession with intent to sell, eggs for human food purposes which are not fit for human food within the meaning of this act and the pure food laws as so known in this State.

Every person, firm, or corporation who purchases eggs from the producer, for sale at retail or wholesale, shall candle all eggs offered to him, them, or it, and shall refuse to buy eggs unfit for human food as in this act defined, and such producer so tendering for sale any egg or eggs so unfit shall be docked accordingly. Such candling shall be done in the presence of the producer if he so requests.

All eggs included by the candling or other method as unfit for human food may only be sold and used for mechanical purposes or destroyed as shall be from time to time prescribed by rules and regulations of the department of agriculture. All licensees shall keep an accurate record of candling and dockage of eggs unfit for human food purposes subject to inspection of said department of agriculture.

SEC. 2. On and after November 1, 1919, every person, firm, or corporation why [who] buy eggs from producers and sells eggs to other merchants, dealers, or for storage or shipment shall first obtain a license therefor as in this act provided, to be known as class 1.

On and after November 1, 1919, every person, firm, or corporation dealing in, buying, or selling eggs, buying in whole or in part from other merchants, dealers, hucksters, or from storage, even if also buying from producers, shall first obtain a license therefor as is in this act provided, to be known as class 2: *Provided*, This shall not apply to the retailer who only sells to the retail trade for consumption and not for resale or storage; *Provided, however*, Producers shall not as such be required to procure a license.

SEC. 3. The license year shall begin November 1, 1919, and each year thereafter. Al [all] licenses shall be to the end of the license year, and the fee shall be the same, although the license is for a fractional part instead of a

full year. Licenses in class 1 shall be \$1 for the year or fraction of a year; in class 2 it shall be \$5 for the year or fraction of a year.

Applications for license shall be upon forms prescribed by the Department of Agriculture of Illinois, and licenses issued by it shall be under its rules and regulations. It shall be a provision of each and every license issued under this act that the same be revoked and canceled for a violation of this act or the rules and regulations of the said department of agriculture, and a renewal of license may be refused for violations of this act and the rules and regulations of the said department of agriculture.

SEC. 4. That there shall be placed by all licenses [licensees] on the top layer under the top flat of every case of eggs a candling certificate, as shall be required by the rules and regulations of the department of agriculture showing that all the eggs in the case in which is placed said certificate have been candled in compliance with the provisions of this act and rules and regulations adopted for the enforcement of this act by the said department of agriculture.

The term "candling" as used herein shall be construed to mean the careful examination, in a partially dark room or place, of the whole egg by means of a strong light, the apparatus and method employed to be such as shall be approved by the said department of agriculture. Every licensee under this act shall in accordance with the rules and regulations of said department of agriculture provide and maintain an adequate place for the accurate candling of eggs and a suitable place for the proper handling of eggs which are intended to be used for human food.

SEC. 5. That the department of agriculture shall enforce the provisions of this act and shall make suitable rules and regulations for the same and tolerances on account of weather, labor, and transportation conditions for carrying out its provisions, and shall determine the conditions under which eggs previously candled shall be recandled for resale or sale, in order to safeguard the purchaser against buying as a lot, or a part of a lot, eggs unfit for human food.

SEC. 6. All eggs coming into this State from other States which do not have an egg-candling law or from a State that does not have an egg-candling law as rigid as this act, must be candled by the first receiver in this State according to the provisions of this act. Eggs coming into this State from States that do candle and which are not provided with egg-candling certificates, shall be candled by the first receiver in this State and the candling certificates shall be placed in the case and all other provisions of this act complied with from then on.

SEC. 7. That no person, firm, or corporation shall engage in the State of Illinois in the business of removing eggs from their shells, in the manufacture or preparation of frozen, liquid, desiccated, or any other forms of whole eggs, yolks, whites, or any mixture of yolks and whites, for food purposes, with or without the addition of any other wholesome ingredients, without first obtaining a license from the department of agriculture. Before such license shall be granted the department of agriculture shall inspect the establishment and the equipment to be used in said egg-breaking establishment, and shall also ascertain if the said establishment complies in method and equipment with the sanitary law and the rules and regulations in regard to sanitation which shall from time to time be established by the department of agriculture to govern these establishments. If, after such inspection, it shall appear that such establishment complies with the provisions of the sanitary law and the rules and regulations in regard to sanitation governing egg-breaking establishments, then the department of agriculture shall issue an annual license to said establishment upon payment annually of a fee of \$300.

That every egg-breaking establishment shall include its license number as a part of the proper labeling of all cans or other receptacles in which frozen or desiccated egg products are sold or offered for sale for human food. The form and manner of placing or affixing said license number on containers shall be in accordance with regulations promulgated by the department of agriculture.

SEC. 8. That any person, firm, or corporation failing to comply with the requirements of, or violating any of the provisions of, this act or the rules and regulations for the enforcement of this act made by the department of agriculture, shall be guilty of a misdemeanor, and shall upon conviction for the first offense be fined not less than \$15 nor more than \$50. For the second offense he shall be fined not less than \$50 nor more than \$100, and for the third or any subsequent offense he shall be fined not less than \$100 nor more than \$200, and in addition to such fines, in the discretion of the court, for the first offense his license may be suspended for not more than 30 days, for the second offense not more than 60 days, and for the third or any subsequent offense his license may be revoked.

SEC. 9. That the words used in this act shall be construed to import the plural or singular, as the case demands.

SEC. 10. Section 39a¹ of an act entitled "An act to amend an act entitled 'An act to prevent fraud in the sale of dairy products, their imitation or substitutes, to prohibit and prevent the manufacture and sale of unhealthful, adulterated, or misbranded food, liquors, or dairy products, to provide for the appointment of a State food commissioner and his assistants, to define their powers and duties and to repeal all acts relating to the production, manufacture, and sale of dairy and food products and liquors in conflict therewith,'" approved May 14, 1907, and in force July 1, 1907, as subsequently amended is hereby repealed.

Waters of the State—Prevention of Pollution. (Act June 28, 1919.)

SECTION. 1. That section 14 of an act entitled "An act creating a rivers and lakes commission for the State of Illinois, and defining the duties and powers thereof," approved June 10, 1911, in force July 1, 1911, as subsequently amended, be, and the same is hereby, amended to read as follows:

SEC. 14. It shall be the duty of said department of public works and buildings to see that all the streams and lakes of the State of Illinois, wherein the State of Illinois or any of its citizens has any rights or interests, are not polluted or defiled. It shall not be lawful for any person, persons, firm, or corporation to throw, discharge, dump, or deposit, or cause, suffer, or procure to be thrown, discharged, dumped, or deposited, any acids, industrial wastes, poisonous effluent or dyestuff, clay or other washings, or any refuse matter of any kind or description containing solids, substances, or matter discoloring or otherwise polluting any navigable lake or river of this State, or lake or river connected with or the waters of which discharge into any navigable lake or river of this State: *Provided, however,* That this shall not be interpreted to prevent the discharge of water flowing from streets and sewers or ordinary household sewage passing therefrom.

Complaints of violations of the provisions of this section shall be made to the department of public works and buildings of the State of Illinois, which department is hereby authorized to make investigations, and hold hearings, if necessary, to determine whether or not the complaint is well founded. If said department shall find said complaint is well founded, it may, upon due and

¹ Supplement 37 to Pub. Health Repts., p. 140.

reasonable notice to the persons to be affected thereby and after giving to such persons an opportunity to be heard, make an order prescribing sanitary methods for neutralizing said acids and other poisonous substances, and equipment for separating said solids, refuse, and wastes from the liquid discharges into any of the lakes or streams hereinabove defined, and prohibiting discharges into said lakes or streams until the terms of said order have been complied with.

Cattle—Tuberculin Tests—Appraisal and Destruction When Tuberculous—Indemnification of Owners for Animals Destroyed. (Act June 28, 1919.)

SECTION 1. That the department of agriculture shall cooperate with the United States Department of Agriculture in the suppression, eradication, and control of tuberculosis among domestic cattle.

SEC. 2. The department of agriculture shall have the power to make tests for the purpose of ascertaining whether or not any domestic animals are afflicted with tuberculosis. No such tests shall be made, however, except upon request, or with the consent of the owner of such cattle, and the expense of such tests shall be borne by the owner, unless said owner shall make application to have his entire herd of breeding cattle tested annually, or semiannually; in which case, the testing shall be done free of charge under the direction of the department of agriculture of the State of Illinois, in cooperation with the Department of Agriculture of the United States.

SEC. 3. The department of agriculture shall have the power to authorize any competent, duly authorized representative selected by the department of agriculture, and cooperating with the Department of Agriculture of the United States to make the tests herein provided.

SEC. 4. If, upon making any tests, as provided in this act, it shall appear that any cattle are affected with tuberculosis and that the public interests would best be served by the destruction of such cattle, it shall be the duty of the department of agriculture to cause the destruction thereof, in such manner as may be deemed most expedient; but no such cattle shall be destroyed except with the consent of the owner thereof: *Provided*, That nothing herein contained shall be construed to repeal or modify any of the provisions of an act entitled "An act to revise the law in relation to the suppression and prevention of the spread of contagious and infectious disease among domestic animals," approved June 14, 1909, in force July 1, 1909, as amended.

SEC. 5. Subject to the provisions hereinafter set forth, the owner of any cattle destroyed under the provisions of this act shall be reimbursed for the loss thus sustained.

SEC. 6. If any cattle tested for tuberculosis under the provisions of this act shall react to the test, and the owner shall consent to the destruction thereof, such cattle shall be appraised by a board of appraisers, consisting of a representative of the United States Department of Agriculture and a representative of the department of agriculture of the State of Illinois. In case of a failure to agree on the valuation, or if the owner refuses to accept the appraised value, the two appraisers, together with the owner, shall select a third appraiser agreeable to all. The owner shall be bound by the appraisal. The State of Illinois shall pay to the owner of cattle destroyed under the provisions of this act one-third of the difference between the appraised value of such cattle and the proceeds from the sale of the salvage, which the owner shall receive: *Provided*, That in no case shall any payment hereunder exceed \$25 for any grade animal or \$50 for any pure-bred animal, and no payment shall be made unless the owner has complied with all lawful quarantine regulations.

SEC. 7. No reimbursement shall be made to any person who is not a bona fide resident of the State of Illinois and who has not been a bona fide owner of the cattle for a period of six months immediately preceding the test.

SEC. 8. For the purpose of indemnifying the owners of tubercular cattle destroyed under the provisions of this act and for the purpose of defraying other expenses incidental to the administration of this act there is hereby appropriated the sum of \$100,000, or so much thereof as may be necessary to carry out the provisions of this act.

SEC. 9. Upon the presentation of proper vouchers certified to as correct by the department of agriculture and approved by the department of finance the auditor of public accounts is authorized and directed to draw his warrants against the sum hereby appropriated.

Sanitary Districts—Organization of Certain Districts Legalized and Validated.
(Act June 10, 1919.)

SECTION 1. That whenever the inhabitants of any area of contiguous territory shall have proceeded to organize as a sanitary district under and by virtue of "An act⁴ to create sanitary districts and to provide for sewage disposal," approved June 22, 1917, in force July 1, 1917, and a meeting of the board of commissioners has been held for the purpose of fixing and determining the limits and boundaries of such proposed district, without giving the notice of such meeting, by publication thereof the required number of times prior to said meeting, as provided by law, and in all cases where a majority of the inhabitants of such territory voting on the proposition having voted at any election called for the purpose of organizing said district, as provided by said act, and due publication of said notice of said election and the posting of said notices in the respective voting districts therein have not been had as provided by law, each such meeting of the board of commissioners to fix and determine the limits and boundaries of such proposed district and each such election so held, as set forth herein, are hereby made legal and valid, and such territory is hereby declared legally and validly organized and established as a sanitary district and body politic and corporate of this State for the purpose of providing for sewage disposal.

SEC. 2. All acts and proceedings heretofore done, had, or performed by each such district and the persons from time to time appointed and acting as trustees thereof, such as are authorized to be done, are hereby declared to be legal and valid in all respects.

Sanitary Districts—Boards of Trustees Authorized to Levy and Collect Taxes.
(Act June 30, 1919.)

SECTION 1. That section 12 of an act entitled "An act to create sanitary districts and to provide for sewage disposal," approved June 22, 1917, in force July 1, 1917, be, and the same is hereby, amended to read as follows:

SEC. 12. The board of trustees may levy and collect other taxes for corporate purposes upon property within the territorial limits of such sanitary district, the aggregate amount of which for each year shall not exceed one-third of 1 per cent of the value of the taxable property within the corporate limits, as the same shall be assessed and equalized for the State and county taxes of the year in which the levy is made: *Provided, however,* That a like sum in addition thereto may be levied when such additional tax has been authorized by the legal voters of such district at an election duly called therefor. Such

⁴ Supplement 37 to Pub. Health Repts., p. 131.

election shall be governed by the terms of this act relating to elections held to decide on the proposition of issuing bonds of said district.

Said board shall cause the amount required to be raised by taxation in each year to be certified to the county clerk on or before the second Tuesday in August, as provided in section 122 of the general revenue law. All taxes so levied and certified shall be collected and enforced in the same manner and by the same officers as State and county taxes, and shall be paid over by the officer collecting the same to the treasurer of the sanitary district in the manner and at the time provided by the general revenue law.

The treasurer shall, when the moneys of the district are deposited with any bank or other depository, require such bank or other depository to pay the same rates of interest for such moneys deposited as such bank or other depository is accustomed to pay depositors under like circumstances in the usual course of its business. All interest so paid shall be placed in the general fund of the district, to be used as other moneys belonging to such district raised by general taxation. The annual tax provided for herein and the taxes levied hereunder for the payment of the principal of and the interest upon bonded indebtedness of the district shall not be included in the aggregate of all the taxes required to be reduced under the provisions of an act entitled "An act concerning the levy and extension of taxes," approved May 9, 1901, in force July 1, 1901, and all amendatory acts thereof.

Sanitary Districts—Prevention of Pollution of Water Supplies—Filling Vacancy in Board of Trustees. (Act June 28, 1919.)

SECTION 1. That section 18 of an act entitled "An act to create sanitary districts and to provide for sewage disposal," approved June 22, 1917, in force July 1, 1917, be amended to read as follows:

SEC. 18. The board of trustees of any sanitary district shall have power and authority to prevent the pollution of any waters from which a water supply may be obtained by any city, town, or village within said district, and shall have the right and power to appoint and support a sufficient police force, the members of which may have and exercise police powers over the territory within such drainage district, and over the territory included within a radius of 15 miles from the intake of any such water supply in any such waters, for the purpose of preventing the pollution of said waters and any interference with any of the property of such sanitary district; but such police officers when acting within the limits of any such city, town, or village shall act in aid of the regular police force thereof, and shall then be subject to the direction of its chief of police, city or village marshals, or other head thereof: *Provided*, That in so doing they shall not be prevented or hindered from executing the orders and authority of said board of trustees of such sanitary district: *Provided further*, That before compelling a change in any method of disposal of sewage so as to prevent the said pollution of any water, the board of trustees of such district shall first have provided means to prevent the pollution of said water from sewage or refuse originating from their own sanitary district.

SEC. 2. That the act entitled '["] An act to create sanitary districts and to provide for sewage disposal '["], approved June 22, 1917, in force July 1, 1917, be amended by adding thereto one new section, to be known as section 3a, which shall read as follows, to wit:

SEC. 3a. Whenever a vacancy in said board of trustees shall occur, either from death, resignation, refusal to qualify, or for any other reason, the county judge shall have power to fill such vacancy by appointment; and such person

so appointed shall qualify for office in the manner hereinbefore stated and shall thereupon assume the duties of the office for the unexpired term to which such person was appointed.

Sanitary Districts—Powers and Duties of Boards of Trustees. (Act July 11, 1919.)

SECTION 1. That sections 4 and 7 of an act entitled "An act to create sanitary districts and to provide for sewage disposal," approved June 5, 1911, as amended by an act approved June 30, 1913, be, and the same are hereby, amended; and that sections 17 and 19 of the first mentioned act be reenacted and amended so that all of said sections shall read as follows:

SEC. 4. The trustees elected in pursuance of the foregoing provisions of this act shall constitute a board of trustees for the district by which they are elected, which board of trustees is hereby declared to be the corporate authorities of such district, and shall exercise all the powers and manage and control all the affairs and property of such district. Said board of trustees shall have the right to elect a president from among their own number, secretary, treasurer, chief engineer, superintendent, and attorney, and to provide by ordinance for the employment of such clerks, and other employees as said board may deem necessary for such municipality, who shall hold their respective offices during the pleasure of the board, and who shall give bond as may be required by said board. Said board may prescribe the duties and fix the compensation of all the officers and employees of said sanitary district: *Provided, however,* That the salary of the president of the said board of trustees shall in no case exceed the sum of \$1,000 per annum; and the salary of the other members of said board shall not exceed \$500 per annum: *And provided further,* That the amount received by any attorney shall not exceed the sum of \$2,000 per annum. Said board of trustees shall have full power to pass all necessary ordinances, rules, and regulations for the proper management and conduct of the business of said board of trustees and of said corporation, and for the carrying into effect the objects for which such sanitary district is formed.

SEC. 7. The board of trustees of any sanitary district organized under this act shall have power to provide for the disposal of the sewage thereof and to save and preserve the water supplied to the inhabitants of such district from contamination and for that purpose may construct and maintain an inclosed conduit or conduits, main pipes, wholly or partially submerged, buried or otherwise, and by means of pumps or otherwise cause such sewage to flow or to be forced through such conduit or conduits, pipe or pipes to and into any ditch or canal constructed and operated by any other sanitary district, after having first acquired the right so to do, or such board may provide for the drainage of such district by laying out, establishing, constructing, and maintaining one or more channels, drains, ditches, and outlets for carrying off and disposing of the drainage (including the sewage) of such district, together with such adjuncts and additions thereto as may be necessary or proper to cause such channels or outlets to accomplish the end for which they are designed, in a satisfactory manner, including pumps and pumping stations and the operation of the same.

Such board shall provide suitable and modernly equipped sewage-disposal works or plants for the separation and disposal of all solids and deleterious matter from the liquids, and shall treat and purify the residue of such sewage so that when the same shall flow into any lake it will not injuriously contaminate the waters thereof, and shall adopt any feasible method to accomplish

the object for which such sanitary district may be created, and may also provide means whereby the said sanitary district may reach and procure supplies of water for diluting and flushing purposes: *Provided, however,* That nothing herein contained shall be construed to empower, authorize, or require such board of trustees to operate a system of waterworks for the purpose of furnishing or delivering water to any such municipality or to the inhabitants thereof without the payment therefor at such rates as such board may determine upon. Nothing in this act contained shall authorize said trustees to flow the sewage of such district into Lake Michigan, and any such plan for sewage disposal by any sanitary district organized hereunder is hereby prohibited, unless such sewage shall have been treated and purified as provided in this section, all laws of the Federal Government relating to the pollution of navigable waters have been complied with, the approval of plans and constructions of outlets and connection with any of the streams or navigable bodies of water within or bordering upon the State obtained from the department of public works and buildings of the State and the discharge of any sewage from any such district into any of the streams or navigable bodies of water within or bordering upon the State subject to the orders of said department of public works and buildings at all times to prevent the pollution and contamination of such streams or bodies of water by any discharge of sewage by any sanitary district therein. Nothing in this act contained shall be construed as in any manner limiting or preventing the control of sewage disposal or the pollution of streams, lakes, or other public bodies of water by the department of public works and buildings of the State as provided in an act entitled "An act creating a rivers and lakes commission for the State of Illinois, and defining the duties and powers thereof," approved June 10, 1911, in force July 1, 1911, with all subsequent amendments.

SEC. 17. The board of trustees of any such sanitary district are hereby vested with power and authority to enter into contract with any city or village for the reduction, treatment, and disposal of any garbage or offal, or solid matter removed from sewage at any disposal plant or treatment works.

SEC. 19. Whenever within any such sanitary district there shall be a city, incorporated town, or village which own a system of waterworks and supplies water from a lake or other source which will be saved and preserved from sewage pollution, or other contamination, by the board of trustees of such district in the exercise of the powers and authority by this act conferred, and there shall be in such sanitary district any city, incorporated town, or village which does not own or operate any system of waterworks, at the time of the creation of such sanitary district, then the board of trustees of such sanitary district shall have and they are hereby vested with the same power of authority conferred upon the board of trustees of any district organized, or that might be organized, under an act entitled "An act to provide for the organization of water districts to enable certain territory to procure pure water," approved June 5, 1911. And said board of trustees of said sanitary district may exercise such power and authority as and in the manner provided by section No. 4 to and including section No. 20 of said last-mentioned act. Said board of trustees of such sanitary district are also hereby authorized and empowered to take a lease from any such city of any public utilities specified in section 2 of an act entitled "An act to authorize cities to acquire, construct, own, and to lease or operate public utilities and provide the means therefor," approved June 26, 1913, as amended by an act approved June 22, 1915.

**Sanitary Districts—Boards of Trustees Authorized to Levy and Collect Taxes.
(Act June 30, 1919.)**

SECTION 1. That section 12 of an act entitled "An act to create sanitary districts and to provide for sewage disposal," approved June 5, 1911, in force July 1, 1911, be, and the same is hereby, amended to read as follows:

SEC. 12. The board of trustees may levy and collect other taxes for corporate purposes upon property within the territorial limits of such sanitary districts, the aggregate amount of which for each year shall not exceed one-third of 1 per cent of the value of the taxable property within the corporate limits, as the same shall be assessed and equalized for the State and county taxes of the year in which the levy is made. Said board shall cause the amount required to be raised by taxation in each year to be certified to the county clerk on or before the second Tuesday in August, as provided in section 122 of the general revenue law. All taxes so levied and certified shall be collected and enforced in the same manner and by the same officers as State and county taxes, and shall be paid over by the officer collecting the same to the treasurer of the sanitary district in the manner and at the time provided by the general revenue law.

The treasurer shall, when the moneys of the district are deposited with any bank or other depository, require such bank or other depository to pay the same rates of interest for such moneys deposited as such bank or other depository is accustomed to pay all depositors under like circumstances, in the usual course of its business. All interest so paid shall be placed in the general funds of the district, to be used as other moneys belonging to such district raised by general taxation or sale of water.

**Garbage—Collection and Disposal—Cities and Villages of Less Than 100,000
May Levy a Tax to Provide for. (Act June 30, 1919.)**

SECTION 1. That section 1 of an act^{*} entitled, "An act to authorize cities and villages having a population of less than 100,000 to levy a tax for the purpose of collecting and disposing of garbage," approved June 25, 1915, in force July 1, 1915, be, and the same is hereby, amended to read as follows:

SECTION 1. That the city council of each incorporated city in this State, whether organized under the general law or special charter, having a population of less than 100,000, and the president and board of trustees of each village in the State of Illinois having a population of less than 100,000, shall have power to establish and maintain garbage systems or plants for the collection and disposal of garbage in such city or village and may levy a tax not to exceed 1½ mills on the dollar on all the taxable property in the city or village according to the valuation of the same as made for the purpose of State and county taxation by the last assessment in said city or village for such purposes. Said annual garbage tax shall be in addition to the amount authorized to be levied for general purposes as provided by section 1 of article 8 of "An act for the incorporation of cities and villages," approved April 10, 1872, and all amendments thereto.

Bedding—Making, Remaking, Labeling, and Sale. (Act June 28, 1919.)

SECTION 1. That the term "bedding" as used in this act shall be construed to mean any mattress, mattress pad, bed comforter, quilted pad, uphol-

^{*} Pub. Health Repts. Reprint 338, p. 217.

stered spring or pillow, except where the filling thereof consists exclusively of sterilized feathers.

The word "person" as used in this act shall be construed to impart the plural and the singular as the case demands, and shall include corporations, companies, societies, and associations.

When construing and enforcing the provisions of this act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association within the scope of his employment or office shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association as well as that of the person. The provisions of this act shall not apply in the case of renovation of articles of bedding by or for the owner thereof for his own use.

SEC. 2. No person shall use in the making or remaking of any article of bedding as herein defined any material of any kind that has been used by or about any person having an infectious or contagious disease, or has formed a part of any article of bedding which has been so used, unless such material has been disinfected by an approved process of disinfection.

SEC. 3. No person shall knowingly sell, offer for sale, deliver, consign in sale, or have in his possession with intent to sell, deliver, or consign in sale any article of bedding that has been used by or about any person having an infectious or contagious disease.

SEC. 4. No person shall sell, offer for sale, or consign in sale, or have in his possession with intent to sell, or consign in sale any article of bedding as hereinabove defined, unless the same be labeled and tagged as follows:

Upon each of such articles of bedding there shall be securely sewed upon the outside thereof a muslin or linen label or tag, not less than 2 inches by 3 inches in size, upon which shall be legibly written or printed in the English language the material used as the filling of such article of bedding; if all the material used in the manufacture of such article of bedding shall not have been previously used, the words "Manufactured of new material" shall appear upon said label or tag, together with the name and address of the maker or vendor or successive vendors thereof.

If any of the material used in the making or remaking of such article of bedding shall have been previously used, the words "Manufactured of used material" or "Remade of used material," as the case may be, shall appear upon said tag or label, together with the name and address of the maker or vendor or successive vendors thereof and also the material used as the filling of such article of bedding.

The words "Manufactured of new material [""] or "Manufactured of used material" or "Remade of used material," together with the description of the material used as the filling of articles of bedding, shall be of letters not less than one-eighth of an inch in height.

If such article of bedding be inclosed in a bale, box, or crate, the receptacle shall bear a tag stating that the contents of the package is labeled or tagged as required by this act.

In the description of material used upon said label or tag it shall be unlawful to use in the description of such material used as the filling of any article of bedding any term or designation likely to mislead.

SEC. 5. Any person who shall remove, deface, alter, or shall cause to be removed, defaced, or altered any label or tag upon any article of bedding so labeled or tagged under the provisions of this act shall be guilty of a violation thereof.

SEC. 6. The unit for a separate and distinct offense in violation of this act shall be each and every article of bedding made, remade, sold, offered for sale,

delivered, consigned, or possessed with intent to sell, deliver, or consign, contrary to the provisions hereof.

SEC. 7. It shall be the duty of the chief factory inspector of the State of Illinois, when he has reason to believe that any of the provisions of this act are being or have been violated, to make an immediate investigation and if he finds the facts warrant, he shall present the same to the State's attorney for the county in which the supposed violation has occurred and it shall thereupon be the duty of the State's attorney to cause appropriate proceedings to be begun and prosecuted in the proper court for the enforcement of the penalties herein provided for.

SEC. 8. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$25 nor more than \$500, or by imprisonment not exceeding six months, or by both such fine and imprisonment.

Wash-Room Requirements in Certain Employments. (Act June 28, 1919.)

SECTION 1. That section 2 of an act entitled "An act to provide for wash rooms in certain employments to protect the health of employees and secure public comfort," approved June 26, 1913, in force July 1, 1913, is amended to read as follows:

SEC. 2. Such wash rooms shall be so arranged that employees may change their clothing therein, and shall be sufficient for the number of employees engaged regularly in such employment; shall be provided with lockers or hangers in which employees may keep their clothing; shall be provided with hot and cold water and with sufficient and suitable places and means for using the same; and during cold weather shall be sufficiently heated.

Public Comfort Stations—Establishment, Equipment, and Maintenance in Cities, Incorporated Towns, Townships, and Villages. (Act June 30, 1919.)

SECTION 1. Subject to the provisions of section 5 of this act the city council in any city, the board of town auditors in any incorporated town or township, and the board of trustees in any village is hereby authorized and empowered to provide for the establishment, equipment, and maintenance of public comfort stations.

SEC. 2. A public comfort station, within the meaning of this act, is an institution where waiting rooms, rest rooms, toilet rooms for men and women, lavatories, check rooms, drinking water, and similar facilities are freely available for the convenience of the public. It may, in addition, contain living quarters for attendants.

SEC. 3. In establishing, equipping, and maintaining public comfort stations the city, incorporated town, township, or village may purchase, lease, or accept donations of ground sites, may build, purchase, lease, or accept donations of buildings or rooms, may purchase, lease, or accept donations of necessary equipment, and may employ such attendants as shall be necessary.

SEC. 4. A tax of not to exceed $1\frac{1}{2}$ mills on the dollar on the assessed value of all taxable property within each city, incorporated town, township, or village which has established a public comfort station or stations, shall be assessed, levied, and collected by such city, incorporated town, township, or village in the manner provided for the assessment, levying, and collection of other taxes for corporate purposes. The proceeds of this tax shall be kept in a separate fund and shall be used for the establishment, equipment, and maintenance of a public comfort station or stations and for no other purposes.

SEC. 5. None of the foregoing powers shall be exercised unless the question of establishing a public comfort station or stations shall have been submitted to the voters of a particular city, incorporated town, township, or village at the time of a regular election, and unless a majority of the votes cast upon the question shall be in favor of the establishment of a public comfort station or stations. This question shall not be submitted to the voters, however, unless there shall have been filed, at least 60 days prior to the date of the election at which the question is to be voted upon, a petition therefor signed by not less than 100 legal voters in the city, incorporated town, township, or village: *Provided*, That the provisions of this act shall not apply to cities having a population of 100,000 or more.

INDIANA.

Diphtheria and Tetanus Antitoxin—Free Distribution to Indigent Persons. (Ch. 179, Act Mar. 14, 1919.)

SECTION 1. That section 1 of the above entitled act [An act requiring counties, cities, and towns to supply free antitoxin to citizens who are too poor to purchase the same, directing the duties of township trustees, physicians, and the State board of health in regard to the matter, repealing acts in conflict and prescribing penalties, approved March 9, 1907] be amended to read as follows:

SECTION 1. That all counties, cities, and towns in the State are hereby required to supply free of charge diphtheria and tetanus (lockjaw) antitoxin to people too poor to purchase the same, under the following conditions, to wit: The State board of health shall supply uniform printed blanks to all county health officers, who shall supply them to trustees and subordinate health officers, said blanks to be printed by the board of commissioners of public printing and binding and to be known as diphtheria or tetanus antitoxin blanks, and said blanks shall call for the following information and affirmation: County, township, date, name and post-office address of the father, mother, or guardian of the child, or if neither of these exist or are unknown, then the name of the householder; name, age, and sex of the child or person who is to be treated for diphtheria or tetanus or immunized; whether or not microscopical tests for diphtheria or the necessary tests for tetanus have been made; amount of antitoxin desired expressed in number of packages and in units; and such statistical and sanitary information as the State board of health may require. The physician applying for the free antitoxin shall sign in ink the following affirmation, which shall be printed upon said blank: I solemnly affirm that the free antitoxin herein applied for will be administered to the person named above, and it is my belief after inquiry that the parents are too poor to pay for the same.

SEC. 2. That section 2 of the above-entitled act be amended to read as follows:

SEC. 2. *County or city to pay for antitoxin.*—Upon the receipt of an official diphtheria or tetanus antitoxin blank duly filled out and signed in ink by a physician as provided in this act any dealer may supply the diphtheria or tetanus antitoxin called for in said blank, and said blank shall be a legal claim for the market price of the antitoxin furnished, against the county, city, or town in which it is used and against which the blank is issued.

SEC. 3. That section 3 of the above-entitled act be amended to read as follows:

SEC. 3. *Township trustees to keep supply.*—Township trustees shall at all times keep themselves supplied through county health officers with diphtheria and tetanus antitoxin blanks, and shall supply them to physicians when needed, and so also shall all health officers. County, city, and town health officers shall

check up and make official record of all cases in which free antitoxin has been furnished in their respective jurisdictions, and they shall promptly call the attention of the district prosecutor to any violation of this act which may come to their notice. County, city, and town health officers shall, by the 5th of each month for the preceding month, send direct to the State board of health the statistical certificate which is attached to each diphtheria or tetanus antitoxin blank and which has been paid and taken up; but said blanks shall not be a valid claim and shall not be paid and taken up unless the attached statistical certificate has been filled out in ink by the physician who signed said blank, and any health officer refusing or neglecting to make reports as herein provided shall be fined not less than \$10 nor more than \$25. The purchase and administration of all tetanus antitoxin heretofore acquired, purchased, used, and administered, and the acts and proceedings of all public officers in connection therewith, and the payment of all public funds necessary to procure and administer the same, when done in good faith and in compliance with the purposes of this act are hereby declared legal, valid, and binding.

Rabies—State Fund. (Ch. 59, Act Mar. 11, 1919.)

SEC. 56. *Hydrophobia fund.*—The county auditor shall annually on the 1st day of April of each year pay to the State auditor 5 per cent of the surplus dog tax collected from the townships of the county. The amount received from all county auditors shall constitute a State hydrophobia fund in the State treasury: *Provided*, That if at the end of the fiscal year such fund shall exceed \$3,000 the surplus shall be turned into the school fund of the State.

State Tuberculosis Hospital—Establishment—Appointment, Compensation, Powers, and Duties of Trustees—Inspection by State Board of Health. (Ch. 147, Act Mar. 14, 1919.)

SECTION 1. That section 1 of the above-entitled act [An act to establish a hospital in the State of Indiana for the treatment of incipient pulmonary tuberculosis, and making an appropriation therefor, approved March 8, 1907] be amended to read as follows:

SECTION 1. That there shall be established in this State a hospital for the treatment of incipient pulmonary tuberculosis, which shall be known and designated as the "Indiana State Sanatorium."

SEC. 2. That section 4 of the above-entitled act be amended to read as follows:

SEC. 4. *Board of trustees; appointment by governor; compensation.*—Upon the taking effect of this act the governor shall appoint a board of trustees for such hospital, composed of four members, not more than two of whom shall belong to the same political party, which said trustees shall serve for the period of four years, and until their successors are appointed, except that of the trustees first appointed as members of said board, one shall serve for one year, one for two years, one for three years, and one for four years, and the governor in appointing such first board shall designate which of said appointees shall serve for one year, which for two years, which for three years, and which for four years. The power to fill vacancies upon such board shall at all times be vested in the Governor of the State of Indiana, and the government and control of said hospital shall be vested in said board of trustees, except as to such powers and duties with reference thereto as by this act specially vested in the superintendent of such hospital, and the governor may at any time remove any of such trustees for incompetency, misconduct, official or otherwise, or neglect of duty of any kind. Such trustees shall each receive \$300 a year salary and

expenses, such expenses to be repaid to such trustees only upon a verified statement of expense account with proper voucher attached, signed by the person to whom the expenses were paid; and shall have all the power and authority necessary to organize a board, elect officers, and do all other things necessary thereto, adopt by-laws, rules, regulations, and do all and singular the things necessary to properly care for, carry on, manage, govern, and control such hospital, except in so far as such authority is delegated to the superintendent of such hospital by this act, to the end that within a cost not to exceed the appropriation therefor the same shall be brought to the highest degree of efficiency possible and practicable for the purposes for which it was created and established, and with the exception of the office of superintendent shall, with the consent of the governor, designate what officers, physicians, nurses, matrons, agents, and employees shall be necessary to the proper management and control of such hospital, and said board shall be responsible for the care, management, and control of such hospital, its property, and all its prudential concerns, and the well-being of all its patients, except that this provision shall not in any manner abridge the authority of the superintendent of such hospital. The State board of health is hereby authorized and required to make a sanitary inspection of the Indiana State Sanatorium at least once each year and report the condition thereof to the governor. The terms of office of the members of the present board of trustees of "Hospital for treatment of tuberculosis," the name of which is by this act changed to the "Indiana State Sanatorium," shall terminate upon the appointment and qualification of their successors as provided for in this act, and all books, records, papers, and other effects now in the custody of the present board of trustees shall be delivered to the board of trustees as created by this act.

County Tuberculosis Hospitals—Procedure When Additional Money is Necessary for the Establishment of. (Ch. 130, Act Mar. 14, 1919.)

SECTION 1. *Establishment of county tuberculosis hospitals; petition; election.*—That whenever the board of county commissioners of any county shall have been presented with a petition, signed by 200 resident freeholders of such county, asking that the board of county commissioners submit to the voters of such county the question whether a county hospital, for the care of persons afflicted with tuberculosis, shall be established and the board of county commissioners shall have submitted such question to the voters of the county at the last regular election, and a majority of the voters voting thereon shall have favored the establishment of such hospital, and the board of county commissioners shall have issued and sold county obligations for the payment of the cost of the establishment of such tuberculosis hospital, all in accordance with the law now in force governing the establishment and maintenance of such hospitals; but that after such steps have been taken it is found and determined by the board of county commissioners that the amount specified in said petition and in the ballot issued at such election and which the board of commissioners have procured by the sale of said county obligations, is not sufficient for the establishment of such a hospital as will meet the needs and demands of said county, then whenever such board shall be presented with a second petition signed by 200 resident freeholders of such county asking that said board submit to the voters of such county the question whether such additional sum, as in the judgment of said board is required to establish such hospital, shall be obtained by said board in the manner now provided by law; said board shall submit such question to the voters of the county at a special election duly called by said board, or at the next regular or primary election, such special

election to be called and held in the same manner and under the same provisions as other special elections which the board of county commissioners are now by law authorized to call and hold. And if a majority of the voters voting on such question shall favor the expenditure of such additional sum, then the said board shall proceed to issue the additional obligations of said county, in the manner now provided by law, in a sufficient amount to raise such sum; and said board, with the approval of the county council, shall cause to be assessed, levied, and collected such sums of money as it shall deem necessary for the payment of said additional obligation. Said second petition shall specify the additional amount of tax to be levied and the maximum additional amount proposed to be expended by such county in the purchasing or building of such hospital. The form of ballot issued at such second election shall be substantially as follows:

Yes.	Shall the county of _____ expend an additional sum of \$_____ for the establishment of a hospital for the treatment of tuberculosis, the total cost thereof to be \$_____?
No.	

The vote shall be canvassed and returns made to the clerk of the circuit court, who shall canvass the same and file a statement of the result with the board of county commissioners.

School Buildings—Appeals from Decisions of State Board of Health Relating to the Building, Changing, or Condemnation of. (Ch. 90, Act Mar. 13, 1919.)

SEC. 1. Appeals from State board of health.—That an appeal shall hereafter lie from all decisions of the State Board of Health of Indiana in any matter involving the building, changing, or condemnation of any school building in the State of Indiana. Said appeal may be taken by any township trustee, board of school trustees, or board of school commissioners, or by any member of any township advisory board, or by 10 or more residents and taxpayers of any township, town, or city where said matter involving the building, changing, or condemnation of such school building occurred; and said appeal may be taken to any circuit or superior court of the county where such township is located and final appeal therefrom may be had to any court of last resort in the State of Indiana. Said appeal shall be taken in the name or names of the person or persons taking same, or in the name of the officer taking same. Said appeal shall be perfected by filing in the office of the clerk of the court to which said appeal is taken, within 30 days from the date of final decision by the State board of health so ordering such changing or condemnation or building of such school building, a complaint or petition setting forth the facts complained of. The State Board of Health of Indiana and in the event said appeal is taken by the residents and taxpayers, as herein provided, or by a member, or members of the township advisory board, the township trustee, board of school commissioners, or board of school trustees shall be named as parties defendant to such cause of action. Notice of the filing and pendency of such appeal shall be made by serving a summons, regularly issued out of said court where same is pending, on the secretary of the State Board of Health of Indiana, at least 10 days prior to the hearing of said cause, and thereafter said appeal shall be tried as other civil causes are tried in the State of Indiana: *Provided*, That if appeal be taken by private citizens, bond approved by the court shall be given to cover costs and reasonable attorney's fees, if such appeal shall not be sustained.

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Boards of Health in Cities of the First Class—Tax Levy, Sale of Bonds, etc., for Purposes of—Tax Levy for Treatment and Prevention of Tuberculosis. (Ch. 141, Act Mar. 14, 1919.)

SECTION 1. *City boards of health; special tax levy.*—That section 2 of the above entitled act¹ [An act concerning powers of the board of health and city council relating to the public health in cities of the first class, being supplemental to an act concerning municipal corporations approved March 6, 1905, repealing all laws in conflict herewith and declaring an emergency, approved March 15, 1913] be and the same is hereby amended to read as follows:

Sec. 2. A tax levy of 12 cents on each \$100 of taxable property in such city as the same appears on the tax duplicate, which shall be in addition to other taxes of the city, shall be levied annually by the common council for the purpose of the board of health; and the city treasurer shall collect such taxes the same as other city taxes are collected, and shall, between the 1st and 5th days of each month notify the board of health commissioners of the amount of such taxes collected for board of health purposes during the preceding month; and upon the date of notification above referred to, the city treasurer shall credit the board of health fund with such amounts of taxes for board of health purposes as may have been collected at that time. The said board shall have full, complete, and exclusive authority to expend for and on behalf of such city all sums of money thus realized, and also that may be realized by such board of health commissioners from the fees derived from the city hospital patients of such city, from the sale of bonds of the city for board of health purposes, and from any other source. All gifts, donations, or payments whatsoever which are given or paid to such city for board of health purposes, shall belong to the general board of health fund, to be used by the said board of health in the same manner as hereinbefore stated: *Provided*, That warrants for such expenditures shall be drawn by the controller of such city for expenditures upon a voucher of such board, signed by the president or vice president and secretary. The said board shall have no power to contract debts beyond the amount of its annual income and the amount available from the sale of bonds, or other sources.

All money remaining in the treasury to the credit of the board of health at the end of the calendar year shall remain to the credit of the general health fund, to be used by the said board of health commissioners for board of health purposes.

The common council of such city shall annually, beginning in the year 1919, levy a tax in the sum of 1 cent on each \$100 of taxable property in such city as the same appears on the tax duplicate, to be expended by such board in the treatment and care of tuberculosis patients and in work of prevention for antituberculosis purposes. Such fund shall be placed to the credit of the board of health in a fund to be known as the "tuberculosis fund" and under no circumstances shall be used for any other purpose but for the purpose aforesaid and shall be subject to the warrant of the board of health and of the city controller without any further appropriation. The duty of making such tax levy shall be performed regardless of any limit now existing by law in the tax levying power of such city.

Milk and Milk Products—Production, Handling, and Sale. (Reg. Bd. of H., May 6, 1919.)

PARAGRAPH 1. No building shall be used for stabling cows for dairy purposes which is not well lighted, well ventilated, and provided with a suitable solid

¹ Pub. Health Repts. Reprint 264, p. 158.

floor of plank, cement, or other impervious material that can be readily cleaned, and laid with proper grades and channels to carry off all drainage.

PAR. 2. No water-closet, privy, cesspool or urinal without proper sewage disposal shall be located within any building for stabling cows or for the storage of milk or milk products; nor shall any fowl, hog, horse, sheep, goat or other animal be kept in any room used for milking or for storing milk or milk products.

PAR. 3. All rooms and stables in which cows are milked shall be painted, whitewashed or thoroughly washed once each year and kept in good repair. The manure shall be removed daily and shall not be stored where the odors therefrom are objectionable in the milk room.

PAR. 4. All persons keeping cows for the production of dairy products for sale shall cause each cow to be kept clean.

PAR. 5. Any inclosure in which cows are kept shall be drained so as to keep the surface reasonably dry and to prevent the accumulation of stagnant water therein, and no garbage, urine, fecal matter, or similar substances shall be placed or allowed to remain in such inclosure.

PAR. 6. All milk shall be removed from the stable to the milk room. The milk room shall be separate from the stable in which the cows are kept, and shall not be used as a living or sleeping room, but shall serve for the handling and keeping of dairy products exclusively. It shall be sanitary in construction, properly screened, supplied with proper ventilation, light, and pure water, and suitable facilities for straining, cooling, and storing dairy products, and for washing and scalding or sterilizing all utensils and apparatus in which dairy products are handled, stored, and delivered.

PAR. 7. All utensils used for handling, storage, or delivering of dairy products shall be made of glass, stoneware, glazed metal, or tin plate free from rust and of sanitary construction.

PAR. 8. All cans, pails, strainers, coolers, dippers, separators, bottles, churns, butter workers, and other dairy utensils shall be cleansed from all remnants of milk and scalded with boiling water or live steam after each use.

PAR. 9. All milk shall be strained through clean 80-mesh wire strainers, or properly sterilized cloth, and the strainer shall be protected from flies. The milk to be sold as whole milk shall be cooled to 60° F. or below within one hour after it is drawn from the cow. It shall be kept at 60° F. or below until it leaves the farm, and if retailed to consumers until delivered. Warm milk shall not be mixed with cold, but shall be kept in separate vessels until properly cooled.

PAR. 10. Cream shall be promptly cooled after separation, and shall be delivered to the point of shipment at least two times each week from May 1 to October 1, and at least one time each week during the remainder of the year.

PAR. 11. All milk or cream cans delivered to creameries or dealers in cities shall be covered with tight-fitting lids, and when conveyed in open wagons shall be protected from the sun during hot weather.

PAR. 12. No person, firm, association, or corporation buying, storing, or receiving milk for the purpose of selling the same for consumption as such, or for manufacturing it into butter, cheese, ice cream, condensed milk, or other human food shall keep the same in utensils, cans, vessels, or rooms that are unclean, or have insanitary surroundings or drainage, or under conditions favorable to unhealthfulness or disease, and milk to be sold for consumption as such shall be cooled to a temperature not higher than 60° F. within one hour after receiving the same, and shall be kept at such temperature until delivered.

PAR. 13. Every person engaged in the production, storage, transportation, sale, delivering, or distribution of dairy products, immediately on the occurrence of any case or cases of infectious disease, either in himself or his family or amongst his employees or their immediate associates, or within the building or premises where milk is stored, sold, or distributed, shall notify the secretary of the local board of health.

PAR. 14. No person having an infectious disease, or recently been in contact with a person having an infectious disease, shall milk or handle cows, measures, or other vessels used for dairy products intended for sale until all danger of communicating such disease to other persons shall have passed, as determined by the secretary of the local board of health.

PAR. 15. No vessels which have been handled by persons suffering from infectious diseases shall be used to hold or convey dairy products until they have been thoroughly scalded or sterilized.

PAR. 16. No bottle, can, or receptacle used for the reception or storage of milk shall be removed from a private house, apartment, or tenement wherein a person has an infectious disease until such bottle, can, or receptacle shall have been properly sterilized under the direction of the secretary of the local board of health.

PAR. 17. Any person who violates any of the provisions of the pure food law or the sanitary food law or of the rules issued by the State board of health or the orders of the State food and drug commissioner shall be guilty of a misdemeanor and may be punished by fine and imprisonment.

Cream Buying Stations—Sanitary Regulation. (Reg. Bd. of H., May 6, 1919.)

PARAGRAPH 1. No building or room shall be used as a cream-buying station unless such building or room is used exclusively for the receipt and storage of cream and the utensils used in connection therewith. The room in which the cream is received and stored shall be well lighted and ventilated and with respect to floors, walls, ceilings, screens, toilets, and other essential conditions shall conform to the requirements set forth in the sanitary food law.

PAR. 2. All cream stations shall be equipped with suitable facilities for producing hot water or steam. An oil stove consisting of not less than a two-hole burner with a tank capacity for hot water of not less than 10 gallons shall be deemed adequate to meet the requirements of this paragraph. It is strongly urged that where the amount of cream handled is of sufficient quantity a steam boiler be installed.

PAR. 3. All cream stations shall be kept in a sanitary condition and the walls and ceiling shall be oil painted in light colors once each year.

PAR. 4. All cream purchased at cream-buying stations shall be shipped daily to the creamery, except in the case of stations located at inland towns. In such cases the cream shall be shipped at least every other day.

PAR. 5. The operators of cream-buying stations shall be cleanly in person and dress.

PAR. 6. The clean milk can law, chapter 69 of the acts 1913, shall be rigidly followed at all cream-buying stations. No receptacle for cream shall be returned to the producer until it has been washed as required by this law.

PAR. 7. Any person who violates any of the provisions of the sanitary food law, clean milk can law, or of the rules of the State board of health, or the orders of the State food and drug commissioner shall be guilty of a misdemeanor and may be punished by fine and imprisonment.

**Bakeries—Sanitary Regulation—Certificates of Health from Employees—
Manufacture, Handling, and Sale of Bakery Products. (Ch. 56, Act Mar.
10, 1919.)**

SECTION 1. Bakeries; sanitation.—That any building or portion of any building, occupied or used as a bakery, wherein is carried on the business of the production, preparation, storage or display of bread, cakes, pies, and other bakery products intended for sale for human consumption, shall be clean, properly lighted, drained, and ventilated. Every such bakery shall be provided with adequate plumbing and drainage facilities including suitable wash sinks, toilets, and water-closets. All toilets and water-closets shall be separate and apart from the rooms in which the bakery products are produced or handled. All wash sinks, toilets, and water-closets shall be kept in a clean and sanitary condition and shall be in well lighted and ventilated rooms. The floors, walls, and ceilings of the rooms in which the dough is mixed and handled or the pastry prepared for baking or in which the bakery products or ingredients of such products are otherwise handled or stored, shall be kept and maintained in a clean, wholesome, and sanitary condition. All openings into such rooms, including windows and doors, shall be properly screened or otherwise protected to exclude flies. No working rooms shall be used for purposes other than those directly connected with the preparing, baking, storage, and handling of food, and shall not be used as washing, sleeping, or living rooms, and shall, at all times, be separate and closed from any living or sleeping rooms. Rooms shall be provided for the changing and hanging of wearing apparel apart and separate from such workrooms; and such rooms, as so provided for the changing and hanging of wearing apparel, shall be kept clean at all times.

SEC. 2. State board of health; rules; inspection; appeal.—The Indiana State Board of Health shall make all necessary rules for carrying into effect the foregoing section and for the enforcement of the provisions thereof. If after inspection, such board shall find that any bakery is being operated in violation of the provisions hereof, notice in writing shall be given to the proprietor wherein shall be stated the particulars in which such bakery is not being properly conducted, and fixing a reasonable time, not less than 30 days, in which such condition shall be remedied. If the requirements of such notice shall not be complied with, said board shall order such bakery closed and it is hereby empowered to take all necessary steps to enforce such order: *Provided*, That if any person, firm or corporation shall feel aggrieved by any order of said board, it shall have the right to appeal to the circuit or superior court in the county in which is located said bakery: *Provided further*, That on the taking of said appeal the owner or operator of said bakery shall furnish bond to the approval of the board: *And provided further*, That said appeal shall be taken within a period of 30 days from the order of said board.

SEC. 3. Cleanliness; precautions; health certificate.—No employee or other person shall sit or lie upon any of the tables, benches, troughs, shelves, etc., which are intended for the dough or bakery products. No animals or fowls shall be kept or allowed in any bakery or other place where bread or other bakery products are produced or stored. Before beginning the work of preparing, mixing, and handling the ingredients used in baking, every person engaged in the preparation or handling of bakery products shall wash the hands and arms thoroughly and then rinse in clean water; and for this purpose sufficient washbasins and soap and clean towels shall be provided. Every person engaged in such work shall wash the hands and arms after using toilet rooms or water-closets. Employees or other persons affected with any venereal disease, smallpox, diphtheria, scarlet fever, yellow fever, tuberculosis or con-

sumption, bubonic plague, Asiatic cholera, leprosy, trachoma, typhoid fever, epidemic dysentery, measles, mumps, whooping cough, chickenpox, or any other cutaneous or infectious disease, shall not work or be permitted to work in any such bakeries or be permitted to handle any of the products therein or delivered therefrom. The freedom of said bakery employees from any such disease shall be evidenced by a certificate of medical examination made at such times and such certificate shall be in such form and so kept, as shall be prescribed by the State board of health. Such medical examinations may be made by any competent physician, including State, city, town, and county health officials or their agents of recognized standing, and whose qualifications for making such examinations are approved by the State board of health. Any such physician or health officer who gives such certificate of freedom from disease without thorough examination, or who gives such certificate knowing or suspecting the employee to have, or to be infected with any of the disease[s] specified in this section, and any employee or other person engaged in any of the work above mentioned, without first procuring a certificate, as herein prescribed, showing freedom from any such contagious or infectious disease, shall be deemed guilty of a violation of this act and subject to the penalties provided for violation thereof. The State board of health shall prescribe such reasonable time after the taking effect of this act within which the provisions of this section for the physical examination of employees shall become effective.

SEC. 4. Rules; examinations free.—The State board of health shall make all necessary rules for carrying into effect the foregoing section, including the forms of certificates and the time and place for examination of such employees and including reasonable and uniform fees for the said examination. The analysis or examination of any specimens necessary in connection with such medical examination of employees shall be made free at the laboratories of the State board of health, or any city or town department of health, as the State board of health may designate. The State board of health, or any city, town, or county board of health may order any such medical examination through its own qualified officers or agents at any time deemed necessary, which examination shall be free and at the expense of the board making the examination: *Provided, however,* That any employee or employer may have his or her own physician present at any such examination.

SEC. 5. Water supply.—All water used for mixing the dough or used in the mixing of any other bakery products shall be pure and wholesome. In case the water supply is taken from a well, the baker shall have a certificate of the purity of said water supply from the State board of health, or from any city or county health board within the State of Indiana. Bakers shall not use the water from wells the water of which is not so certified to be pure and wholesome.

SEC. 6. Receptacles to be sanitary.—The wagons, boxes, baskets, and other receptacles in which bread, cakes, pies, or other bakery products are transported shall be kept in a clean and wholesome condition at all times and free from dust, flies, and other contamination. All show cases, shelves, or other places where bakery products are sold, shall be kept well covered, properly ventilated, well protected from dust and flies, and shall be kept in a sweet, clean, and wholesome condition at all times. Boxes or other receptacles for the storing or receiving of bread and other bakery products, before and after the retail stores and selling places are open, shall be so constructed and placed as to be free from the contamination of streets, alleys, and sidewalks, and shall be raised at least 10 inches from the sidewalk or street, and shall be kept clean and sani-

tary, and no bread shall be placed in any such box along with any other articles of food other than bakery products.

SEC. 7. *Materials; ingredients.*—All materials used in the production or preparation of bakery products shall be stored, handled, and kept in a way to protect them from spoiling and contamination, and no material shall be used which is spoiled or contaminated, or which may render the bread or other bakery products unwholesome or unfit for food. The ingredients used in the production of bread and other bakery products, and the sale or offering for sale of bread and other bakery products, shall comply with the provisions of the Indiana laws against adulteration and misbranding. No ingredients shall be used which may render the bread or other bakery products injurious to health. No ingredients shall be used which may deceive the consumer or which lessen the nutritive value of the bakery product without being plainly labeled, branded, or tagged or having a sign making such facts plain to the purchaser or consumer under rules to be prescribed by the State board of health: *Provided, however,* That in case of bread to be sold by the loaf such labeling shall be, in the case of unwrapped bread, placed upon the same sticker as hereinafter provided to show the name of the manufacturer and the net weight or measure of the loaf.

SEC. 8. *Handling and sale; no returns.*—All handling or sale of bread or other bakery products and all practices connected therewith shall be conducted at all times so as to prevent the distribution of contamination or diseases among consumers, so as to prevent the distribution of the infection in bread commonly known as "rope" or other bakery infections, and so as to protect the food supply against waste. No bread or other bakery products except as hereinafter provided shall be returned from any consumer or other purchaser to the dealer or baker, nor from any dealer to the baker, and no baker or dealer shall directly or indirectly accept any returns or make any exchange of bread or other bakery products from any dealer, restaurant or hotel keeper, consumer, or other person, and all bread and all other bakery products shall be kept moving to the consumer in as direct a line as may be practicable and without unreasonable delay and without any exchange, return, or practice whatsoever which may disseminate contamination, disease, or fraud among consumers or infection among bakeries, or which may cause waste in the food supply. The Indiana State Board of Health shall make such reasonable rules as may be necessary for carrying into effect the foregoing provisions of this section: *Provided,* That this section shall not be construed to apply to crackers or to such other bakery products as are packed at the place of production in cartons, cans, boxes, or similar permanent containers, and where the product is so packed or sealed at the place of production as to fully protect the freshness and wholesomeness of the product [sic] from contamination, adulteration, deterioration, and fraud in the channels of trade and which remains in the original unbroken package in which such bakery product has been packed, except in so far as may be necessary to prevent waste in the food supply: *Provided further,* The State board of health may by rules establish such exemptions as may be necessary to facilitate the sale of any accumulated or unsold stocks of wholesome bread or other bakery products, but any such exemptions or sales shall not be in violation of the expressed purposes of this section: *Provided further,* That the phrase "permanent containers" shall not be construed to include the paper or parchment wrappers as used in wrapping loaves of bread.

SEC. 9. *Standard weight of loaf.*—Bread to be sold by the loaf made by bakers engaged in the business of wholesaling and retailing bread shall be sold based upon any of the following standard weights and no other, namely, a loaf weighing three-quarters of a pound, a loaf weighing 1 pound, a loaf

weighing $1\frac{1}{2}$ pounds, and loaves weighing 2 pounds, or some other multiple of 1 pound. These shall be the standard weights for bread to be sold by the loaf, and such bread shall not be sold of other weights. The State commissioner of weights and measures shall adopt and establish by rules such reasonable tolerances or variations within which these weights of standard loaves shall be kept: *Provided, however,* That such tolerances and variations shall not exceed 1 ounce per pound over and 1 ounce per pound under the standard unit weight. Every loaf of bread made or procured for the purpose of sale, sold, or offered for sale shall have affixed thereon in a conspicuous place a label upon which there shall be printed in plain type the weight of the loaf, stated in pounds or fraction of pounds, or both, as the case may be, together with the business name of the baker or manufacturer of the loaf. In the case of wrapped bread such information shall be stated in a plain position upon the wrapper of each loaf, and in the case of unwrapped bread shall be stated upon a label no larger than 1 by $1\frac{1}{2}$ inches in size and not smaller than 1 inch by three-quarters of an inch, and such label affixed to an unwrapped loaf shall not be affixed in any manner or with any gums or pastes which are insanitary or unwholesome. It shall be the duty of the commissioner of weights and measures and of the sealers of weights and measures of any city, town, or county, or any agent thereof responsible for the enforcement of weight and measure laws and ordinances under regulations prescribed by the commissioner of weights and measures, to enforce the provisions of this section.

SEC. 10. *Penalty for violation.*—Any person, firm, or corporation who shall violate any of the provisions of this act shall be subject to a fine of not less than \$10 nor more than \$100, and each day's continuance of any practice, act, or condition prohibited herein shall constitute a separate offense within the meaning of this act.

SEC. 11. *No conflicting enactments.*—Except as in this act provided, no city or town or any board or officer thereof shall have power to enact or make any ordinance, law, resolution, rule, or order affecting the matters covered by this act.

SEC. 12. *Affecting validity.*—That if any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment has been rendered.

Eggs—Candling—When Deemed Unfit for Human Food. (Reg. Bd. of H., July 9, 1919.)

Every person, firm, or corporation engaged in the business of buying eggs in the State for resale or consignment shall provide and maintain an adequate place for the accurate candling of eggs, and all eggs purchased for resale or consignment shall, between the 15th day of April and the 1st day of December of each year, be candled by a careful examination, in a partially dark room or place, of the whole egg by means of a strong light, the apparatus and methods employed to be such as shall be approved by the State food and drug commissioner.

Eggs shall be deemed unfit for human food if they consist in whole or in part of black rots, moldy eggs, eggs with adherent yolks, eggs with bloody whites, eggs with green whites, addled eggs, blood rings, and eggs incubated beyond the blood-ring stage, or any other eggs that consist in whole or in part of a filthy, decomposed, or putrid substance.

There shall be placed on the top layer under the top flap of every case of candled eggs, by the person, firm, or corporation candling the same, a candling certificate. Such candling certificate shall be printed on cards or sheets of paper not smaller in size than $2\frac{1}{2}$ by 4 $\frac{1}{4}$ inches, and shall give the date of candling the eggs contained in said case, the name, initials, or number of the person candling the eggs, and the name and address of the person, firm, or corporation for whom the eggs are candled.

Poultry—Picking and Chilling—Sale When Water-Soaked Prohibited. (Reg. Bd. of H., July 9, 1919.)

Poultry should be dry picked or scald picked and chilled in dry cold storage to a temperature of 40° or less. Water-soaked poultry or poultry chilled by immersion in ice water or by packing in contact with ice shall not be sold after January 1, 1920.

Ice Cream—Manufacture. (Reg. Bd. of H., May 6, 1919.)

PARAGRAPH 1. No building or room shall be used for the manufacture of ice cream which is not properly constructed, well lighted and ventilated, and which does not conform to the sanitary requirements set forth in the sanitary food law. On and after March 1, 1920, no ice cream shall be manufactured in basement or cellar rooms unless after inspection such rooms shall have been approved by the State board of health as suitable for such use.

PAR. 2. All places where ice cream is manufactured shall be equipped with proper facilities for producing hot water and steam, and all utensils, implements, machinery, and equipment used in the preparation and manufacture of ice cream shall be sterilized at the close of each day's operation.

PAR. 3. All milk products which enter into the manufacture of ice cream shall have been pasteurized by being subjected to a temperature of at least 145° F. for 30 minutes or 165° F. for 30 seconds.

PAR. 4. Ice cream shall not be returned for resale after the original package has been opened.

PAR. 5. Crushed ice used in packing bulk ice cream shall not be utilized for cooling and serving drinks at the soda fountain where such ice is added to and is dissolved in the drink.

PAR. 6. In addition to the requirement for screens set forth in section 4 of the sanitary food law, the openings of all mixing and freezing rooms shall be screened with not coarser than 14-mesh wire gauze. In case it is not feasible to wire screen the mixing and freezing rooms the requirements of this paragraph shall have been fulfilled if a sufficient artificial air current is produced by the use of fans to keep the flies away from the mixing vats and freezers.

PAR. 7. Any person who violates any of the provisions of the pure food law or the sanitary food law or of the rules of the State board of health or the orders of the State food and drug commissioner shall be guilty of a misdemeanor and may be punished by fine and imprisonment.

Public Eating Places—Sanitary Regulation—Sterilization of Utensils—Health Certificates from Employees. (Reg. Bd. of H., May 6, 1919.)

PARAGRAPH 1. *Building and room.*—No building or room shall be used as a hotel kitchen or dining room, restaurant, café, or other public eating house which is not properly constructed, well lighted and ventilated, and which does not otherwise conform to the sanitary requirements set forth in the sanitary food law. On and after July 1, 1919, no basement or cellar shall be used as a

hotel kitchen or dining room, restaurant, café, or other place where food is prepared or served unless after inspection permit is issued by the State board of health authorizing the use of the premises for such purposes. This rule shall not apply to basements or cellars fitted for use and used as hotel kitchens, dining room, restaurant, café, or other place where food is prepared or served prior to July 1, 1919.

PAR. 2. Kitchen, kitchen equipment, refrigerator, and utensils.—The kitchen shall be well lighted and ventilated, thoroughly screened against flies, and kept clean and sanitary. All kitchen utensils shall be thoroughly washed in hot water with soap or alkaline washing powder at least once each day. The kitchen floor shall be scrubbed with hot water and soap or washing powder at least once each day. Refrigerators shall be kept clean and shall be thoroughly cleaned with hot water and soap or washing powder at least twice each week.

PAR. 3. Dishes, glasses, cups, and eating utensils.—All dishes, glasses, cups, receptacles, implements, and utensils used in serving food or drink shall be thoroughly cleaned and rendered free from injurious contamination after each separate use in accordance with the following procedure:

By being thoroughly washed in hot water with soap or alkaline washing powder, rinsed in fresh or running water, drained dry or dried and polished with a clean towel.

All dishes, glasses, cups, knives, forks, and spoons used by customers, having been washed as above described, shall be sterile and free from bacterial contamination. In the event such washing does not adequately sterilize the dishes and utensils it shall be the duty of proprietors of all places where food is prepared and served to install suitable apparatus and sterilize such articles with live steam, boiling water, or dry heat.

PAR. 4. Garbage.—All garbage and waste organic or vegetable matter shall be kept in galvanized-iron containers provided with close-fitting tops. Garbage cans shall be emptied and thoroughly cleansed daily.

PAR. 5. Grounds and surroundings.—The ground or yard surrounding all places where food is prepared or served to customers shall be kept free from filth, weeds, litter, and waste material. Outside privies or vaults will not be allowed in cities and towns where sewers are accessible. In unsewered communities such privies or vaults shall be constructed in accordance with rules and instructions issued by the State board of health. The vaults shall be thoroughly screened against flies and provided with self-closing doors. Inside toilets shall be constructed as set forth in section 5 of the sanitary food law and shall be maintained in a sanitary condition.

PAR. 6. Health certificates.—Section 8 of the sanitary food law prohibits the employment of persons suffering from infectious or contagious diseases in all places where food is produced or sold. It is also illegal for a person suffering from disease to work in such places. All persons engaged in any way in handling, preparing, or serving food or drink shall furnish a medical certificate as required by the rules of the State board of health.

All persons at the time of employment shall be questioned as to whether or not they have had typhoid fever. In the event the answer is affirmative such person before being employed shall subject himself to the proper medical and laboratory examination for the purpose of determining that he is not a typhoid carrier.

PAR. 7. Habits of employees.—All employees in places preparing or serving food shall be cleanly in person and dress. Before beginning work or after visiting the toilet the hands shall be thoroughly washed in clean water. All persons suffering from colds or whose hands, face, or body is affected with

boils, pustular, or other skin disease shall not be permitted to work. Employees shall be cautioned against filthy or careless habits, such as spitting, bringing the hands in contact with hair, nose, or face or with unclean substances or material.

PAR. 8. Any person who violates any of the provisions of the sanitary food law or the bakery law or of the rules issued by the State board of health or the orders of the State food and drug commissioner shall be guilty of a misdemeanor and may be punished by fine and imprisonment.

Lunch and Refreshment Stands at Fairs, Carnivals, Etc.—Sanitary Regulation. (Reg. Bd. of H., July 9, 1919.)

The lunch stands, refreshment stands, etc., at fairs, carnivals, and similar occasions shall be conducted according to the following rules:

1. An adequate supply of pure drinking water shall be provided through sanitary fountains before the fair is opened. A sample of the water to be supplied shall be sent to the water laboratory of the State board of health for analysis, and the water shall not be used unless its purity is so established.

2. An adequate supply of covered garbage cans shall be provided. The garbage cans shall be emptied at least once a day at some point sufficiently distant to avoid noisome odors, spreading diseases, or attracting flies to the vicinity of the food-handling stands.

3. All toilets and urinals shall be cleaned, disinfected, and screened before the fair opens, and then shall be kept clean and sanitary throughout the term of the fair.

4. All glasses, dishes, knives, forks, and spoons shall be thoroughly sterilized after each use by being washed in hot water containing an adequate amount of alkaline cleansing powder and then by being rinsed in clean water. If paper cups are used they shall be destroyed when once used.

5. All foodstuffs shall be completely protected from flies, dust, and all other contamination.

6. Griddles for frying sausages, hamburger, etc., shall be covered. Meats shall be kept in good condition by the use of ice.

7. Candles, crackerjack, etc., shall not be made on the grounds except inside of buildings, and then only in rooms set apart for that purpose, or under conditions that have been approved by the State board of health.

Food Containers—Not to be Sold to Junk Dealers or Dealers in Secondhand Bottles. (Reg. Bd. of H., July 9, 1919.)

In order to maintain sanitary conditions and prevent the spread of contagious diseases, milk bottles, pop bottles, or other packages that have been or may be used as food containers shall not be sold to nor bought by junk dealers or dealers in secondhand bottles.

Waters of the State—Prevention of Pollution. (Ch. 60, Act Mar. 11, 1919.)

SEC. 18. The department of conservation shall have the following powers, duties, and authority:

8. To investigate lakes and streams and springs of the State for the purpose of protecting them against impurities or pollution by industrial, municipal, or other sewage waste. In cases of existing pollution it shall make investigation and report on the method of sewage purification and disposal and shall take such steps as it may deem necessary to prevent further pollution, except in

such territory in this State where sanitary districts have been created or may hereafter be created under existing law or amendment thereto and to execute the laws of this State and the rules and regulations of the commission issued thereunder relative to the pollution of lakes, streams, and springs.

Drinking, Bottled, or Mineral Water—Analysis—Sale and Use Unlawful When Deleterious to Health. (Ch. 166, Act Mar. 14, 1919.)

SECTION 1. *Public drinking water; analysis required.*—That any person, firm, or corporation offering for sale for public consumption any drinking water, bottled water, or mineral water shall once each year, on or before the 1st day of July, submit to the water and sewage laboratories of the Indiana State Board of Health samples of such drinking water, bottled water, or mineral water, natural or treated, for analysis to determine its potability and availability for the purpose for which it is intended.

SEC. 2. *Cost of analysis.*—For each sample of such water so analyzed and tested there shall be paid into the treasury of the State a sum equivalent to the cost of such analysis, said cost to be determined by the chemist's records and in no instance to be less than \$10. All money so collected shall be applied to enforcement of this act and shall be paid out in the manner prescribed by law.

SEC. 3. *Unlawful to sell.*—It shall be unlawful for any person, firm, or corporation to offer for sale for human consumption any water which upon analysis shows a bacteriological or chemical content deleterious to the public health.

SEC. 4. *Prohibition of sale or distribution; right of appeal; penalty.*—It shall be the duty of the State board of health, upon a showing of such unfit condition of said drinking water, bottled water, or mineral water, to prohibit the further distribution or consumption of such unfit water: *Provided, however,* That any person, firm, or corporation who feels himself aggrieved by any order of the State board of health or any decision said State board of health may make may within 10 days after the making of such order or decision by the said State board of health, and not afterwards, unless time is extended in writing by the said board of health, file his petition with the circuit court of the proper county, praying a review of such order or decision, and it shall be the duty of such court to hear the same at the first convenient day, and to make such order in the premises as right and justice may require, and such decision shall be final. Such parties so appealing to the circuit court shall file with said court a bond in an amount to be fixed by said court or by the clerk of said court, with at least two sufficient sureties, to be approved by the judge of said court or the clerk of said court, conditioned to pay all costs on such appeal in case such appellant fails to sustain his appeal or the case be dismissed for any cause. Any person, firm, or corporation who shall offer, furnish, or distribute for human consumption any such unfit water, or who shall violate any other of the provisions of this act, shall be deemed guilty of a misdemeanor, and shall, upon conviction for the first offense, be punished by a fine of not less than \$10 nor more than \$30; for a second or subsequent offense by a fine of not less than \$25 nor more than \$100 and imprisonment in the county jail for not less than 30 days nor more than 90 days.

Cattle—Control and Eradication of Tuberculosis in—Tuberculin Tests—Appraisal and Slaughter of Tuberculous Animals—Indemnification of Owners for Animals Destroyed. (Ch. 117, Act Mar. 14, 1919.)

SECTION 1. *Tuberculosis of cattle; method of control, etc.*—That for the purpose of establishing an effective method of controlling and eradicating

tuberculosis in cattle, the State veterinarian is authorized to establish tuberculosis free accredited herds of cattle in cooperation with the Bureau of Animal Industry of the United States Department of Agriculture, and under such rules and regulations as may be agreed upon from time to time by the State veterinarian and the Secretary of Agriculture of the United States. He shall encourage the breeders of Indiana to place their herds under State and Federal supervision for the eradication of tuberculosis; issue suitable certificates annually to the owners of such herds as qualify for tuberculosis free accredited herds, and publish annually a list of all herds that have qualified for the State list. If it is found necessary for the eradication of tuberculosis from such herds of cattle under State and Federal supervision to quarantine or destroy animals affected by such disease, the State veterinarian is hereby authorized to quarantine or direct and supervise the slaughter of such animals. In cases where cattle are condemned for slaughter the State veterinarian shall have them appraised in advance as hereinafter provided and to [sic] pay to the owner thereof one-third of the difference between the appraised value of each animal so destroyed and the value of the salvage secured by the owner: *Provided, however,* That in no case shall any payment by the State be more than \$40 for any grade animal or more than \$80 for any purebred animal.

SEC. 2. *Appraisal of tuberculous cattle.*—Cattle affected with tuberculosis and condemned for slaughter shall be appraised in advance by two disinterested persons, one to be selected by the State veterinarian and the other by the owner, and when these two persons are unable to agree they shall select a third appraiser, and their decision shall be final. In the appraisal of tuberculosis cattle due consideration shall be given to their breeding value as well as to their dairy or meat value.

SEC. 3. *Pay for condemned cattle; how obtained.*—Each owner of tuberculous animals which have been condemned and appraised shall market the cattle at the nearest Federal inspection point at a time designated by the State veterinarian and shall obtain from the purchaser a certified itemizer bill of sale showing the amount of money actually paid for the animals. When the appraised catatle have been slaughtered and the amount of salvage ascertained the owner of the animals shall present his claim to the State veterinarian, which claim shall be accompanied by such reports as the State veterinarian shall require.

SEC. 4. *Disinfection of barns, stables, sheds, etc.*—In order to prevent the further spread of tuberculosis, materials contaminated by or exposed to this disease, including barns, stables, sheds, barnyards, lots, and other inclosures where diseased cattle were previously confined, shall be disinfected by the owner of the cattle under the supervision of the State veterinarian or some one authorized by him.

SEC. 5. *Tuberculosis tests; by whom made.*—No compensation will be allowed for cattle reacting to a tuberculin test that has been applied by other than the State veterinarian or an inspector regularly employed by the State veterinarian or the Bureau of Animal Industry of the United States Department of Agriculture. No compensation will be allowed for animals brought into the State unless they have been tested under the supervision of the United States Department of Agriculture or are accompanied by a certificate of official test approved by the State veterinarian of Indiana showing that such cattle have been tested and found to be free from tuberculosis.

SEC. 6. *Appropriations.*—The sum of \$25,000 for the fiscal year ending September 30, 1919, and \$50,000 annually thereafter, is hereby appropriated out of any moneys not otherwise appropriated from the State treasury of Indiana

for the purpose of paying for animals condemned by the State veterinarian and slaughtered under the provisions of this act, said fund to be expended on proper vouchers to be approved by the State veterinarian and filed with the auditor of state: *Provided*, That any unexpended balance at the end of the year shall revert to the State treasury.

SEC. 7. Penalty for violations.—Any person, firm, or corporation violating any of the provisions of this act or any of the rules and regulations of the State veterinarian relative to the control and eradication of tuberculosis, made and promulgated under this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$10 nor more than \$300, or be imprisoned in the county jail not to exceed six months, or both, at the discretion of the court.

Dead Animals—Disposal of. (Ch. 199, Act Mar. 15, 1919.)

SECTION 1. Disposal of dead animals; regulations.—That section 4 of the above entitled act² [An act to prevent the spread of hog cholera and other diseases; regulating the business of disposing of the bodies of dead animals by the process of burying, burning, or cooking; providing for the issuance of licenses to persons, firms, and corporations, permitting them to follow such business; providing for the inspection of plants where such business is carried on; providing penalties for the violation of any of its provisions and repealing conflicting laws, approved March 6, 1913] be amended to read as follows:

SEC. 4. No place shall be deemed a suitable or sanitary place for disposing of the bodies of dead animals unless it conforms to the following specifications: A building adapted to the purposes intended, provided with concrete or cement floors and provided with good drainage and thoroughly sanitary and properly equipped with steel tanks, inclosed dryers and condensers, so that there may be no escape of odors in the air and all carcasses so disposed of shall be reduced by steam. All tanks shall be air-tight except proper escapes for live steam used in cooking, such steam to be disposed of so as not to cause unnecessary annoyance and so as not to cause a nuisance. All skinning and d'smembering of bodies shall be done within such building so that no annoyance shall be caused by the unsightly appearance of such bodies. Such place shall be so situated, arranged, and conducted so as not to interfere with the comfortable enjoyment of life and property of the citizens of this State. In case such bodies are disposed of by burying, they shall be buried to such a depth that no part of any such body shall be nearer than 4 feet to the natural surface of the ground, and every part of such body or carcass shall be covered with quicklime and by at least 4 feet of earth. In case such bodies are disposed of by burning, the place for such burning shall be so located, constructed, and arranged as to cause no annoyance to any of the citizens of this State by such burning and so as not to essentially interfere with the comfortable enjoyment of life or property. All parts of such bodies not entirely consumed by such burning shall be disposed of by burying, as above provided, or in such other manner as may be directed by the State veterinarian. All carcasses and [of] animals dying from disease or accident shall be disposed of in the manner above provided within a reasonable time: *Provided*, That nothing herein shall prohibit the person owning any animal at the time of the death of such animal from skinning the body of such animal in the open air on his own premises, provided that same is done without annoyance to any citizen of the State of Indiana.

² Pub. Health Repts. Reprint 264, p. 180.

SEC. 2. Who subject to provisions of this act.—That section 11 of the above-entitled act be amended to read as follows:

SEC. 11. Any person, firm, or corporation who shall advertise in any newspaper of general circulation or by printed matter of any kind, as cards, handbills, or posters, that he is engaged in the business of disposing of dead animals, or who shall obtain from any other person, firm, or corporation, by purchase or otherwise, the body of any animal, for the purpose of obtaining the hide, skin, or grease from such animal, or for the purpose of disposing of the carcass of such animal in any way whatsoever, shall be deemed to have engaged in the business of disposing of the bodies of such animals and shall be subject to the provisions and penalties of this act.

SEC. 3. Penalty for violation.—That section 12 of the above-entitled act be amended to read as follows:

SEC. 12. Any person, firm, or corporation who shall violate any one or more of the provisions of this act shall be guilty of a misdemeanor and, upon conviction, shall be fined for the first offense in any sum not less than \$25 nor more than \$50, to which may be added imprisonment in the county jail for a period of time not less than 1 day or more than 30 days, or both, and for the second offense shall be fined in any sum not less than \$50 or more than \$100, to which shall be added imprisonment in the county jail for a period of time not less than 30 days or more than 6 months.

Sanitary Districts—Appointment, Powers, and Duties of Trustees—Sewage, Garbage, and Rubbish Disposal—Issuance of Bonds—Contracts—Taxes—Annual Report of Trustees. (Ch. 11, Act Feb. 17, 1919.)

SECTION 1. Trustees; judge of circuit court appoints.—That section 2 of the above-entitled act^a [An act providing for the incorporation of sanitary districts, and granting certain powers thereto, approved March 15, 1913] be amended to read as follows:

SEC. 2. In each sanitary district incorporated under this act the judge of the circuit court of the county in which the said district or a major portion thereof is located shall within a period of 30 days after such incorporation appoint five trustees who shall be resident freeholders and qualified voters in said district, and not more than three of whom shall be members of the same political party, and not more than three of whom shall be appointed from any one municipality in such district: *Provided*, That if there be not more than five municipalities in each district one of said trustees shall be appointed from each of said municipalities, and if there be less than five municipalities in such district then one of said trustees shall be appointed at large from said sanitary district. Three of said trustees first appointed shall hold their office respectively for one, two, and three years from the first Monday in May next after their said appointment, and two of said trustees first appointed shall hold their office for four years from the first Monday in May next after their appointment, and all until their successors are appointed and have been qualified; and thereafter on or before the second Monday in April of each year the said circuit judge, or appointive board hereinafter mentioned, as the case may be, shall appoint one trustee whose term shall be for a period of four years, commencing on the first Monday in May of the year in which they are respectively appointed, except that on the second Monday in April of every fourth year two trustees shall be appointed for a period of four years each, commencing on the first Monday in May of the year in which they are

^a Pub. Health Repts. Reprint 264, p. 173.

appointed: *Provided further*, That in case such sanitary district, or a major portion thereof, is located in a county having a superior court, presided over by two or more judges, it shall be the duty of the judge of the circuit court to call such superior court judges to his assistance in making such appointments, and such circuit court judge, together with said superior court judges, shall constitute an appointive board for the purpose of making such appointments, and such appointive power shall rest in a majority of said board. The length of the term of the trustees first appointed shall be determined by lot at their first meeting. Said appointive power shall have the right to remove any trustee from office at any time and to fill all vacancies created by such removal, or by any other cause, such appointment to be for the unexpired term and until a successor is appointed and has qualified. Said trustees shall receive a salary of \$500 a year each, to be paid to said trustees out of the funds of said sanitary district at such time or times as the board of trustees may determine, and each shall be required to give bond for the faithful discharge of the duties of the office in such amounts and with such securities as may be required by said appointive power.

Said trustees shall, from the time of their appointment, as provided in this act, be construed to be in law and in equity a body corporate and politic by the name and style of "The Board of Sanitary Trustees of the County of _____," and as such and in such name may prosecute and defend suits and have all other duties, rights, and powers incident to corporations not inconsistent with the provisions of this act.

SEC. 2. *Board of trustees; powers; officers.*—That section 3 of the above-entitled act be amended to read as follows:

SEC. 3. The trustees provided for in the preceding sections of this act shall constitute a board of trustees for said sanitary district and shall manage and control all the affairs and property of such sanitary district. Said board of trustees shall have the right and power to elect a clerk, treasurer, chief engineer, and attorney for such sanitary district, which officers shall hold their respective offices during the pleasure of said board, and shall give such bonds for the faithful performance of their duties as may be required by said board.

Said board of trustees shall also have power to employ and prescribe the duties and fix the compensation of all necessary officers and employees of said sanitary district. Said board of trustees shall have full power to pass all necessary ordinances, resolutions, orders, rules, and regulations for the proper management and conduct of the business of said sanitary district, and shall have power to carry into effect the ordinances, orders, resolutions, rules, and regulations of said sanitary district for the business for which said district is formed.

Said board of trustees shall organize by electing one of their number president, whose duty shall be to preside over all meetings of said board, and to call all special meetings of said board when he or a majority of said board deem such meetings necessary, and in case said president should fail or refuse to call such meeting or meetings, then such meeting or meetings may be called by a majority of said board. Said board of trustees shall adopt rules and regulations for the conduct of the business of said board, and shall fix a stated time at which the regular meetings of said board shall be held. Said board of trustees shall establish an office within said district and shall cause to be kept a full, complete, accurate, and itemized account of all its proceedings, ordinances, orders, resolutions, rules, and regulations.

A majority of the board of trustees shall constitute a quorum, but a smaller number may adjourn from day to day. A concurrence of the majority shall

be necessary to any action of such board. No trustee or employee of such district shall be directly or indirectly interested in any contract, work, or business of the district, or the sale of any article, the expense, price, or consideration of which is paid by such district, nor in the purchase of any real, personal, or other property belonging to the district, or shall be [sic] sold for taxes or assessments, or by virtue of legal process at the suit of said district: *Provided*, That nothing herein shall be construed as prohibiting the appointment or selection of any person as trustee or employee whose only interest in said district is as owner of real estate in said district or as contributing to the payment of taxes levied by the said district. The trustees shall have the power to provide and adopt a corporate seal for the district.

SEC. 3. *Main channels and drains; incinerating or reduction plants.*—That section 6 of the above entitled act be amended to read as follows:

SEC. 6. The board of trustees of any sanitary district organized under this act shall have power to provide for the drainage of such district by laying out, establishing, constructing, and maintaining one or more main channels, drains, ditches, and outlets for carrying off and disposing of the drainage, including the sewage of such district, together with such adjuncts and additions thereto as may be necessary or proper to cause such channels or outlets to accomplish the end for which they are designed, and to provide for the construction and maintenance of sewage disposal plants and works for disposing of the sewage of said district: *Provided*, That such drains, ditches, adjuncts, additions, sewage disposal plants, works, mains, channels, outlets, and any other improvements established or constructed by said sanitary district shall serve and benefit the entire territory within such sanitary district and not otherwise: *Provided*, That nothing in this act shall be construed to limit the power of the municipalities included in said sanitary district from constructing and establishing drains and sewers within the corporate limits of such municipality: *Provided further, however*, That before any general outlet, main, or trunk sewer shall be constructed by any such municipality, included in said sanitary district, a plan or profile of any such proposed general outlet, main, or trunk sewer shall be filed in the office of the board of trustees of said sanitary district, and be approved by said board. Such main channels, drains, ditches, and outlets for carrying off and disposing of the drainage, including the sewage of such district, together with such adjuncts and additions thereto as may be necessary or proper to cause such channels or outlets to accomplish the end for which they are designed, and such disposal plants and works for disposing of the sewage of said district, may extend outside the territory included within such sanitary district and the rights and powers of said board of trustees over the portion of such channel or outlet or sewage disposal plant, or works, lying outside of such district, shall be the same as those vested in said board over said portions of such channels or outlets, plants or works, within the said district.

Such board may also treat and purify such sewage so that when the same shall flow into any lake or other watercourse, it will not injuriously contaminate the waters thereof, and may adopt any other feasible method to accomplish the object for which such sanitary district may be created, and may also provide means whereby the said sanitary district may reach and procure supplies of water for diluting and flushing purposes: *Provided, however*, That nothing herein contained shall be construed to empower or authorize such board of trustees to operate a system of waterworks for the purpose of furnishing or delivering water to any such district or the inhabitants thereof. Nothing in this act contained shall authorize said trustees to flow the sewage of such district into Lake Michigan and any such plan for sewage disposal by any sanitary district organized hereunder is hereby prohibited.

The said board shall have the further power to erect any incinerating or reduction plant or other plants for the destruction or disposal of garbage, filth, ashes, dirt, and rubbish, and to operate said plant or plants in connection with sewage disposal and treatment, and may sell any by-products derived from such sewage, garbage, filth, ashes, or rubbish, and any revenue derived therefrom in any amount over and above the amount needed for maintenance shall be paid into and become a part of the sanitary district fund.

SEC. 4. Bonds.—That section 8 of the above entitled act be amended to read as follows:

SEC. 8. Said sanitary district may borrow money for its corporate purposes and may issue its bonds therefor, but it shall not become indebted in any manner, or for any purpose whatsoever, beyond an amount in the aggregate of 2 per cent of the valuation of the taxable property within said district, to be ascertained by the last assessment for State and county taxes previous to the incurring of said indebtedness.

All bonds authorized by said board of trustees shall be exempt from taxation, and said bonds shall not bear a greater rate of interest than 5 per cent per annum, payable semiannually, but in no event shall such bonds be sold for less than par.

SEC. 5. Contracts; bidders; publication.—That section 10 of the above entitled act be amended to read as follows:

SEC. 10. All contracts for work to be done by said sanitary district, where the expense will exceed \$500 shall be let to the lowest responsible bidder, after 15 days' public notice of the terms and conditions upon which such contract is to be let, notice of the letting of such contract having been given by publication in a newspaper of general circulation published in said district. The said board of trustees shall have the power and authority to reject any and all bids and to readvertise. All contractors shall be required to give a bond for the faithful performance of their contract in such amount and with such sureties as the said board of trustees may require.

SEC. 6. Tax levy.—That section 11 of the above entitled act be amended to read as follows:

SEC. 11. The board of trustees may levy and collect taxes for the corporate purposes of said sanitary district upon all the property within the territorial limits of such sanitary district. The aggregate amount of which taxes levied in any one year shall not exceed one-fourth of 1 per cent of the valuation of the taxable property within the corporate limits, as the same shall be assessed and equalized for State and county taxes for the year in which the levy is made. Said board shall cause the amount required to be raised by taxation each year to be certified to the auditor of the county in which such district is located, on or before the 1st day of August in each year. All taxes so levied and certified shall be collected and enforced in the same manner and by the same officers as State and county taxes are now collected and enforced, and the taxes so collected shall be paid over by the officers collecting the same to the treasurer of said sanitary district in the same manner and at the same time as now provided by law for the transfer of taxes to municipal corporations.

On the first Monday of January of each year such board shall make a report to the appointive power hereinbefore created, of its proceedings during the previous year, with a full statement of its receipts and disbursements, the first report covering the period from the date of organization of such board to the first Monday of January of that year. In such report such board shall set out in detail the improvements made by it and the general character of the

work done during the preceding year, and said report shall at all times be open for the inspection of the public.

SEC. 7. *Repeal.*—That sections 13 and 19 of said act are hereby repealed.

School Health Fund in Certain Cities—Special Tax to Create. (Ch. 137, Act Mar. 14, 1919.)

SECTION 1. *School health fund; tax levy.*—That section 2 of the above entitled act [an act concerning health in schools in cities of more than 100,000 population, approved March 6, 1909] be, and the same is hereby, amended to read as follows:

SEC. 2. All expenses necessarily incurred in carrying out the provisions of this act shall be borne by such civil city. It is hereby made the duty of every such civil city annually, beginning in 1909, to levy the sum of 1 cent on each \$100 of taxables within such city to create a fund, to be known as the "school health fund," for carrying out the provisions of this act. Such fund shall under no circumstances be used for any other purpose, but for the purpose aforesaid shall be subject to the warrant of the proper city official without any further appropriation. The duty of making such levy shall be performed regardless of any limit now existing by law in the tax-levying power of any such city.

Maternity Hospitals, Boarding Houses for Infants, and Placing of Infants—Regulations Governing to be Made—Revocation of Licenses. (Ch. 190, Act 1919.)

SECTION 1. *Maternity hospitals and boarding houses for infants; revocation of license.*—That section 7 of the above entitled act [An act concerning maternity hospitals, boarding houses for infants, and boarding homes for children, and the business of placing infants; providing for licenses by the board of State charities, fixing liability for the care of infants, providing for the removal thereof, prohibiting the sending of pregnant women to other counties where their children become public dependents, providing penalties, and making appropriation, approved March 8, 1909] be amended to read as follows:

SEC. 7. It shall be the duty of the board of State charities to provide such general regulations and rules for the conduct of all maternity hospitals and boarding houses for infants and for the business of placing infants as shall seem advisable to said board and not inconsistent with any of the provisions of this act. The board of State charities may revoke such license when in its discretion any provision of this act is violated; or in any case where, in the opinion of said board, such maternity hospital or such boarding house for infants is maintained without due regard to the health, comfort, and morality of the inmates, or without due regard to the common rules of hygiene, or when any of such infants have been placed in homes, given in adoption, or otherwise disposed of without proper provision or regard for the health, comfort, maintenance, and moral welfare of the infants. The board of State charities shall note such revocation upon the face of the record thereof and shall give notice in writing of such revocation to the licensee by delivering the notice to him in person, or leaving it on the licensed premises, and shall forthwith notify the board of health of such city and county in which such premises are situated.

Any person, firm, corporation, or association whose license has been revoked may appeal from the action of the board of State charities to the circuit or superior court of the county in which such licensee resides and shall give a good and satisfactory bond in an amount to be fixed by the court conditioned to pay all costs of such appeal should the appeal be determined against him.

Commission on Child Welfare and Social Insurance—Appointment, Powers, and Duties. (Ch. 197, Act Mar. 15, 1919.)

SECTION 1. *Child welfare and social insurance; commission.*—That within 60 days after the taking effect of this act, the governor shall appoint a suitable commission of five persons, at least two of whom shall be women, and two of whom shall be parents, to be known as the commission on child welfare and social insurance.

SEC. 2. *Commission; election of chairman; power to employ assistants.*—The commission shall convene in the city of Indianapolis within 10 days after appointment and organize by electing a chairman and enter upon the discharge of its duties. The members of the commission shall serve without compensation but shall be allowed their necessary traveling expenses incurred in the work of the commission. If necessary, the commission may employ a clerk and a stenographer not of its membership. The commission may avail itself of the collections or facilities of any State departments in obtaining the information and data necessary to the successful prosecution of its work.

SEC. 3. *Duties of commission.*—It shall be the duty of the commission to make a careful and systematic study of child welfare and social insurance. The commission or any of its members shall visit the various parts of the State and hold public hearings and shall make careful inquiry into the peculiar problems of each locality, and shall cause an investigation to be made of the methods employed and the progress and results achieved in other States, and in making such investigation may visit other States.

SEC. 4. *Report to governor; appropriation.*—On or before December 1, 1920 the commission shall submit to the governor a report of its findings, together with its recommendations. The commission shall also draft such bills as may be necessary to embrace and carry out its recommendations and submit them to the next general assembly for consideration. The sum of \$5,000 is hereby appropriated, out of any funds in the State treasury not otherwise appropriated, to be available after May 1, 1919, and during the life of the commission, for the purpose of carrying out the provisions of this act.

Noxious Gases—Gas Masks to be Supplied Workmen for Protection from. (Ch. 39, Act Mar. 1, 1919.)

SECTION 1. *Gas masks.*—That whenever in the course of their duties or employment workmen are required to carry on their work in any inclosed room, apartment, building, basement, or other structure, or other inclosure not wholly in the open air, in which inclosure there may be accumulations of dangerous, noxious, or deleterious gases, it shall be the duty of the person, firm, or corporation for whom such work is being performed to supply such workmen with serviceable gas masks, to be worn while such work is being performed.

SEC. 2. *Penalty.*—Any person, firm, or corporation who shall fail or refuse to comply with the provisions of section 1 of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than \$50 nor more than \$500. It shall be the duty of the industrial board to execute and administer the provisions of this act.

IOWA.

Communicable Diseases—Placarding. (Ch. 397, Act Apr. 25, 1919.)

SECTION 1. Communicable disease; type undetermined; warning card; form.—That all quarantinable and placard diseases shall as soon as possible be definitely diagnosed and the proper placard placed in a conspicuous place on the house, dwelling, or place where the quarantinable or placard disease exists. The sign establishing a quarantine shall be the form adopted by the State board of health. In any event, when the type of the disease is not immediately determined or diagnosed, a warning sign shall be placed upon the house, dwelling, or place where the disease exists, giving prominent notice that a communicable disease exists in the house, dwelling, or place, and all persons connected therewith shall observe all the requirements of quarantine, until a proper and correct diagnosis shall have been made, when the proper quarantine placard shall replace the former warning: *Provided, however,* That such temporary quarantine shall terminate within 24 hours after being in force. The warning sign hereinbefore mentioned and required shall be followed in the same manner as a quarantine placard, and shall be in the following form and language:

A yellow card, not less than 12 inches square, having printed thereon in large letters "Temporary quarantine. Keep out," followed by the words: "Notice! No person shall be permitted to enter or leave these premises except as provided by the rules and regulations of the State board of health."

"(Signed) _____"
(Mayor or township clerk.)

The form and wording of the warning sign where the diagnosis has not been determined shall be as follows:

<p>TEMPORARY QUARANTINE.</p> <p>KEEP OUT.</p> <p>NOTICE.—No person shall be permitted to enter or leave these premises except as provided by the rules and regulations of the State board of health.</p> <p>(Signed) _____ (Mayor or township clerk.)</p>

SEC. 2. Acts in conflict amended.—That all acts or parts of acts, in so far as they are in conflict with this act, are hereby amended to conform to the provisions of this act.

Influenza and Other Communicable Diseases—Made Quarantinable. (Ch. 80, Act Mar. 20, 1919.)

SECTION 1. Amend section 2571a, supplement to the code, 1913, by inserting after the comma (,) following the word "poliomyelitis," in line 14, the words: "Spanish influenza" and a comma (,). Also by striking from the same line the word "and" and the period (.) following the word "plague" and inserting in lieu thereof a comma (,) and the words "or any other infectious or contagious disease in the discretion of the State board of health" and a period.

Influenza—Quarantine. (Reg. Bd. of H., May 26, 1919.)

CH. 2. RULE XV. SECTION 1.—*Spanish influenza quarantined.*—Quarantine shall be maintained in case of Spanish influenza until the complete recovery of the infected person and this shall be certified to in writing by the attending physician or, if there was no attending physician, for three days after the temperature has become normal.

SEC. 2. *If Spanish influenza terminates by death; quarantine, how released.*—If Spanish influenza terminates by death, quarantine may be released after compliance with Rule VI of chapter 1 of these rules and regulations of the State board of health.

SEC. 3. *Spanish influenza; release of quarantine in case of recovery from.*—In case of recovery, the rules of the board referred to in section 2 for the release of quarantine need not apply, but in lieu thereof the convalescent shall have a complete change of clothing, the clothing used during the period of illness shall be hung out of doors and thoroughly aired, preferably in a place reached by the sun, for a period of at least eight hours, and the house in which the case or cases have been isolated shall be thoroughly aired for at least eight hours.

SEC. 4. *Spanish influenza; removal of person from quarantined premises.*—A person may be removed from a house quarantined for this disease provided such person has recovered from the disease; has had a normal temperature for a period of at least three days and has complied with the conditions required of a convalescent as given in section 3.

Tuberculosis—Care and Treatment of Persons Afflicted with. (Ch. 341, Act Apr. 23, 1919.)

SECTION 1. *Repeal and substitute; tuberculosis; persons afflicted with; care, treatment, etc.*—That section 409-t3, supplemental supplement to the code, 1915, be and the same is hereby repealed and the following enacted in lieu thereof:

That in compliance with the provisions of section 409-t1 and section 409-t2 supplemental supplement to the code, 1915, the board of supervisors may arrange in said county, or elsewhere in the State, with any institution maintained for the treatment of tuberculosis, or with a county public hospital, or any other hospital not maintained for pecuniary profit, where suitable treatment may be provided, and said board of supervisors is authorized to construct or otherwise provide and equip suitable buildings in connection with such institution, or hospital, if in the county, for the proper segregation and maintenance of such designated persons: *Provided, however,* That no institution, or hospital, or building for the care and treatment of persons afflicted with tuberculosis shall be established at any county home in this State: *And it is further provided,* That any institution, hospital, or place for the treatment of persons

afflicted with tuberculosis now established or which may be established in the future shall be approved by the board of control and inspected by said board. And said board shall have the power to require any alterations in building or equipment or changes in treatment as may be necessary to make such institution conform to the modern and accepted methods for the treatment of tuberculosis.

Venereal Diseases—Notification of Cases—Circular of Information and Copy of Act to be Furnished Patient—Reports and Records to be Confidential—Powers and Duties of Local Boards of Health and Local Health Officers—Examination of Persons Suspected of Being Infected—Isolation—Internment—Quarantine—Suppression of Prostitution—Officers Prohibited from Issuing Certificates of Freedom from Venereal Diseases—Establishment, Equipment, and Maintenance of County Detention Hospitals—Treatment—Giving of Bond or Cash Guaranty in Lieu of Quarantine—Intercourse by Infected Persons Unlawful—Records and Reports of Sales of Medicine—Penalty for Failure of Physicians to Report Cases—Appropriations. (Ch. 299, Act Apr. 22, 1919.)

SECTION 1. *The public health; venereal diseases.*—Syphilis, gonorrhea, and chancroid, hereafter designated venereal diseases, are hereby recognized and declared to be contagious, infectious, communicable, and dangerous to the public health.

SEC. 2. *Local boards of health; diseased persons; physicians to report.*—It shall be the duty of every licensed physician, of every superintendent, or manager of a hospital or dispensary, and of every person who gives treatment for a venereal disease to mail to the local board of health of the city, town, or township located in the State of Iowa, and where the disease occurs, a card or report blank supplied by the State board of health, stating the age, sex, color, marital condition, and occupation of such diseased person, the nature and previous duration of such disease and its probable origin; such card or report blank to be mailed immediately after the first examination or treatment of such diseased person: *Provided*, That except as hereinafter required the name and address of such diseased person shall not be reported to the local board of health.

SEC. 3. *Circular of information and copy of act; duty of physician.*—It shall be the duty of every licensed physician and of every other person who treats a person afflicted with any venereal disease to give to such person at the first examination a circular of information and advice concerning venereal diseases, furnished by the State board of health, and in addition to give to such diseased person a copy of this act, furnished by said board, and to report to the local board of health that such diseased person has received the two documents herein specified.

SEC. 4. *Physician and applicant for treatment; duties of.*—When a person applies to a physician or other person for treatment of a venereal disease it shall be the duty of the physician or person consulted to inquire of and ascertain from the person seeking treatment whether such person has heretofore, or previously, consulted with or been treated by any other physician, person, or persons for said diseases; and if so, to ascertain the name and address of the physician, person, or persons last consulted. It shall be the duty of the applicant for treatment to furnish this information, and a refusal to do so, or falsely stating the name and address of such physician, person, or persons consulted, shall be deemed a violation of this act. It shall be the duty of the physician, person, or persons whom the applicant seeks to and does consult or employ to notify the physician, person, or persons last consulted or employed of the

change of advisers, such notification to be made upon a form furnished for that purpose by the State board of health. Should the physician, person, or persons previously consulted fail to receive any such notice within 10 days after the appearance of such venereally diseased person, it shall be the duty of such physician, person, or persons to report to the local board of health the name and address of such venereally diseased person.

SEC. 5. *Protection against infection; duty of local board of health.*—Upon receipt of a report of a case of venereal disease it shall be the duty of the local board of health to institute, for the protection of other persons from infection by such venereally diseased person, such measures as said local board of health is already empowered to use to prevent the spread of other contagious, infectious, or communicable diseases.

SEC. 6. *Reports of cases confidential, etc.*—All information and reports concerning persons infected with venereal diseases shall be confidential and shall be inaccessible to the public, except in so far as publicity may attend the performance of the duty imposed upon the local board of health and [sic] the laws of the State of Iowa, and to those injured by contracting said disease from said diseased person, and to public officers in the performance of their official duties.

SEC. 7. *Minors; legal responsibility of parents.*—The parents of minors acquiring venereal diseases and living with said parents shall be legally responsible for the compliance of such minors with the requirements or provisions of this act.

SEC. 8. *Suspected cases; investigation; powers of local board of health.*—In all suspected cases of venereal diseases in the infectious stages the local board of health shall immediately use every available means to determine whether the person or persons suspected of being infected or suffering from said diseases or any of them [sic], and whenever any of said diseases are found to exist the local board of health shall, whenever possible, ascertain the sources of such infection. In such investigations the local board of health and its health officer are hereby vested with full powers of inspection, examination, isolation, internment, or quarantine, if necessary, and disinfection of all persons, places, and things, as provided herein, and as may be required by the State board of health or local board of health, except in cases of persons known to the local board of health to be of good character and reputation, who are under treatment by a qualified and reputable physician and are taking recognized precautionary measures to prevent the infection of others, these powers shall not be exercised.

SEC. 9. *Health officer; powers and duties; consulting physician; compensation, etc.*—It is hereby made the duty of the health officer, for the county, municipality, or community where he is appointed and for which he is to serve, and he is hereby directed and empowered:

(a) To make examinations of persons reasonably suspected of having syphilis in the infectious stages, gonococcus infection, or chancroid, except as provided in section 8, and if any evidence of such disease is disclosed by said examination the local board of health is hereby empowered to isolate, intern, or quarantine such person a reasonable length of time in order to fully determine the extent of such disease.

(a-1) Any person subjected to examination under this act may demand that another physician shall also make an examination, and when this is done the president of the local board of health shall name such physician, and, in case of disagreement, the health officer and this physician shall agree upon a third physician to make an examination, and the decision of the two shall determine the action to be taken as to isolation, internment, quarantine, or release.

(a-2) The compensation of physicians, other than health officers, for making examinations under this act shall be \$5, to be paid in accordance with the usual procedure for the payment of quarantine bills.

(b) Under the order of the local board of health to isolate, intern, or quarantine, if necessary, persons infected with any of said diseases whenever isolation, internment, or quarantine is essential to protect the public health. In establishing isolation, internment, or quarantine the health officer, under the direction of the local board of health, shall define the limits of the area in which the persons reasonably suspected or known to have syphilis, gonococcus infections [sic], or chancroid are to be isolated, interned, or quarantined, as the case may require, and no persons other than the persons attending the treatment of such case shall enter or leave the area of isolation, internment, or quarantine without the permission of the local board of health and the health officer.

(b-1) In case the person isolated, interned, or quarantined is unable to meet the expenses incident thereto, such expenses, including medical and surgical services, nursing, and care, shall be provided as in cases of quarantine for other diseases, and the president of the local board of health shall name a physician to render the necessary medical and surgical services, unless the board of supervisors have previously made provision for the same.

(c) In making examinations and inspections of women for the purpose of ascertaining the existence of syphilis, gonococcus infection, or chancroid, to appoint women physicians for said purposes where the services of a woman physician are requested or demanded by the woman to be examined.

SEC. 10. *Quarantine; termination of.*—In case of isolation, internment, or quarantine the local board of health and the health officer shall not terminate said isolation, internment, or quarantine until the cases have become non-infectious—the same to be determined as provided for examinations in section 9 (a-1), if the isolated, interned, or quarantined person shall so elect—or until permission has been given by the State board of health or its secretary executive officer.

Cases of gonococcus infection are to be regarded as infectious until at least two successive smears, taken not less than 48 hours apart, fail to show gonococci.

SEC. 11. *Prostitution; suppression of, etc.*—The local board of health, its health officer, and all other officers enforcing the provisions of this act shall use all proper means of suppressing prostitution, and all such officers are hereby prohibited from issuing certificates or other evidences of freedom from venereal diseases.

SEC. 12. *Inspection of records.*—The local board of health and the health officer shall withhold from public inspection all records of inspections and examinations made under the provisions of this act, and shall make every reasonable effort to keep secret the identity of those affected by measures adopted to control venereal disease, as far as may be consistent with the protection of the public health: *Provided*, That all records shall be open to inspection by law-enforcing officers, and to such persons as are injured by one who is infected with such disease.

SEC. 13. *Detention hospital; equipment, medical attendance, etc.*—When in the judgment of the board of supervisors of any county or when advised or notified by the State board of health acting with the United States Public Health Service, it is necessary to provide a detention hospital in a county for the isolation, internment, or quarantine of venereal diseases, said board of supervisors may contract for the erection, erect, purchase or rent, equip and

maintain a detention hospital, which shall be erected, purchased, rented, or equipped in accordance with plans and specifications provided in advance by the State board of health, and it is hereby made the duty of the health officer and the local board of health to use only such building or buildings for detention, isolation, internment, or quarantine of persons afflicted with venereal diseases as shall be provided and established under the provisions of this act, and under suitable administrative rules prescribed by the State board of health for the conduct thereof.

(a) The board of supervisors shall appoint and fix the compensation of a qualified physician and surgeon, and such nurses and other attendants as may be necessary, to provide proper treatment and care for persons interned from time to time in such detention hospital.

SEC. 14. *Hospital fund; special tax levy; authorization.*—The board of supervisors shall have the power to levy a tax upon all the property in said county subject to taxation, in addition to all of the taxes now provided by law, a special tax not exceeding in any one year 2 mills on the dollar for a period of years not exceeding 50, for the purchase of real estate for hospital purposes, and for the construction, purchasing, or renting of such hospital, and for equipping and maintaining the same, for either or all of such purposes. The tax so authorized shall be collected and paid over to the treasurer of such county in the same manner as other taxes are collected. The proceeds of such tax shall be known as the hospital fund, and shall be paid out on the order of the board of supervisors for the purposes authorized by this act, and for no other purpose whatever.

SEC. 15. *Hospital bonds; issue authorized; when due.*—Any county may anticipate the collection of the tax herein authorized to be levied, and for that purpose may issue interest-bearing bonds at a rate of interest not to exceed 5 per cent per annum, to be denominated hospital bonds, and the said bonds and the interest thereon shall be secured by said assessment and levy, and shall be payable only out of the proceeds of the special tax provided for in the preceding section, and no bonds shall be issued in excess of taxes authorized to be levied to secure the payment of the same. It shall be the duty of the treasurer of such county to collect said tax, and to hold the same separate and apart in trust for the payment of said bonds and interest, and to apply the proceeds of said special tax pledged for that purpose to the payment of said bonds and interest. Such bonds shall be issued and sold in accordance with the provisions of existing statutes relating to the issuance and sale of bonds by counties. In issuing such bonds the board of supervisors may cause portions of the same to become due at different definite periods, but none of such bonds so issued shall be due and payable in less than 3 or more than 50 years from date.

SEC. 16. *Quarantine and treatment.*—Whenever it is necessary, in the judgment of the local board of health and the health officer, for the protection of the public health that persons infected with venereal diseases be quarantined, the health officer and the mayor or township clerk, as the case may be, shall quarantine such diseased persons in said detention hospitals and cause to be administered to such persons a proper course of treatment.

SEC. 17. *Release on bond in lieu of quarantine; procedure.*—In lieu of isolation, internment, or quarantine, any person, except a prostitute, infected with any of said venereal diseases may be released upon bond as herein provided. Such person shall make written application therefor to the local board of health, which application must be made under oath and must state that the applicant is not a prostitute. Such application shall be accompanied by a certificate signed by either the mayor, the chief of police or peace officer, or the municipal judge or justice of the peace of the city or town where the

case occurs, or in township by the township clerk or township trustees, stating that the applicant is not a prostitute. The applicant shall then file with the county auditor a bond in the penal sum of \$1,000 conditioned that the applicant will not permit or perform any act which might or would infect or expose to infection any other person, and will continue treatment until cured and will faithfully observe all rules, regulations, and requirements of the State board of health, local board of health, and the health officer to protect the public against infection or contagion. Said bond shall run to and for the benefit of the county wherein the venereal disease occurs, and shall be signed by one or more freeholders as sureties, to be approved by the county auditor: *Provided, however,* That a cash guaranty in a like amount may be accepted in lieu of such bond. Before any person is released from any such bond as cured a final examination and approval of the health officer must be secured, and permission from the State board of health or its secretary-executive officer obtained, except that in securing the approval of the health officer the same procedure provided for examinations in section 9 (a-1) may be taken.

SEC. 18. *Disease transmission; misdemeanor; punishment.*—Any person afflicted with any of the diseases named in this act who shall transmit, or assume the risk of transmitting the same by intercourse, to another person shall be guilty of misdemeanor, and upon conviction thereof be fined in the sum of not to exceed \$500 or imprisoned in the county jail not to exceed six months, or both such fine and imprisonment; and in addition thereto shall be liable to the party injured for all damages sustained by reason of said injury.

SEC. 19. *Sale of specifics; record of; copy to health officer.*—Any druggist or other person who sells any drug, compound, alleged specific or preparation of any kind used for the cure of any of said venereal diseases shall keep a record of the name, address, and sex of the person making such purchase. A copy of said record shall be mailed each week to the health officer of the county, city, town, or village wherein the drug, compound, specific, or preparation for the treatment of these venereal diseases was sold.

SEC. 20. *Order of health boards; neglect of, unlawful.*—It shall be unlawful for any person to neglect or refuse to obey any order of the State or local board of health, authorized by this act, or to interfere with or obstruct said State board of health or local board of health, or the representative of either, in the discharge of any of their duties under this act.

SEC. 21. *Provisions of act; violation of; punishment for.*—Any person violating any of the provisions of this act shall be punished by a fine of not more than \$500 or by imprisonment in the county jail for a period not to exceed six months, or by both such fine and imprisonment.

Any physician or surgeon who shall be called upon to treat professionally any one afflicted with syphilis, gonorrhea, or chancre, except as provided in section 8, who shall fail to report the same to the local board of health immediately after the first examination of such diseased person, and as provided for in section 2 of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$500 or by imprisonment in the county jail for a period of not to exceed six months, or by both such fine and imprisonment, and upon conviction the State board of medical examiners may revoke his license or certificate authorizing him to practice medicine, surgery, and obstetrics in the State of Iowa.

SEC. 22. *Appropriation.*—The sum of \$15,000, or so much thereof as may be necessary, is hereby annually, for the years 1919 and 1920, appropriated to carry out the provisions of this act, and such requirements as shall be made by the United States Public Health Service in eliminating the venereal dis-

cases—syphilis, gonorrhea, chancroid, and ophthalmia neonatorum—from the State.

Communicable Disease Hospitals—Establishment in Certain Counties. (Ch. 239, Act Apr. 16, 1919.)

SECTION 1. *Detention, etc., hospital; establishment; bonds; levy; fund.*—That section 409-a of the supplement to the code, 1913, be and the same is hereby amended by adding thereto the following:

Whenever the board of supervisors in counties having a population of not less than 55,000 or more than 65,000 shall be presented with a petition signed by 300 freeholders of said county, of which 200 shall be residents of the city, town, or village where it is proposed to establish said hospital, which petition asks for the erection of a detention or contagious disease hospital at a cost not to exceed \$40,000, the board of supervisors of said county may order the erection of said detention or contagious disease hospital at a cost not to exceed \$40,000, and may issue bonds of the county in addition to all other outstanding indebtedness, covering the cost of the erection of said detention or contagious disease hospital; said bonds shall be payable at the pleasure of the county at any time within 15 years and shall draw interest at not more than 6 per cent and the board of supervisors shall make a levy sufficient to pay the interest and principal on said bonds when due, and said tax shall be paid to the county treasurer of said county and kept in a separate fund which shall be known as the detention or contagious disease hospital fund, which fund shall be used to pay off the principal and interest on said bonds.

State Tuberculosis Hospital—Officers and Employees—Admission of Patients—Provision of Law Relating to Examining Physicians Repealed. (Ch. 171, Act Apr. 8, 1919.)

SECTION 1. *Superintendent and other officers; requirements.*—That the law as it appears in section 2727-a76, title 13, chapter 11-C, supplement to the code, 1913, be, and the same is hereby, amended by striking out the comma following the word "institution" in line 5 and the words, "including examining physicians," and substituting in lieu thereof, following the word "institution," a period.

SEC. 2. *Substitute amendment; patients; applicant for admission; procedure.*—That section 2727-a82 of the supplement to the code, 1913, be, and the same is hereby, amended by striking out all said section and enacting in lieu thereof the following:

"No patients shall be received except those afflicted with pulmonary tuberculosis. Any person wishing to become a patient in the institution shall first make application to the superintendent, who shall thereupon furnish the necessary admission blanks. Such applicant shall thereafter secure a thorough examination from his attending physician, who shall for this purpose be a physician regularly licensed to practice medicine in Iowa and who shall examine said applicant fully with a view of ascertaining whether he is afflicted with pulmonary tuberculosis, and shall so far as possible fill out the medical blanks which are furnished for that purpose and shall mail the same to the superintendent of the sanatorium. If from this blank and other papers which said applicant shall be required to furnish it shall appear that the applicant is a bona fide resident of this State and in all other respects under the law entitled to admission, he shall notify the applicant and shall receive the applicant as a patient, providing there is room. If no room be then available he shall record the name in the order in

which the application is made and the applicant shall be admitted in said order whenever there is room. In case it shall appear from the application or from the report of the physician that the applicant does not come within the provisions of the law, or in case the superintendent shall be in possession of reliable information which convinces him that the applicant is not entitled to the benefits of this act, he shall notify the applicant that he can not be admitted as a patient. If, however, the superintendent, after receiving the report of the physician, is in doubt as to whether it is a case of pulmonary tuberculosis, he shall personally examine the applicant in case he presents himself at the institution for that purpose."

SEC. 3. Report.—That the law as it appears in section 2727-a83 of the supplement to the code of 1913 is hereby repealed.

County Public Hospitals—Appointment of Trustees—Maintenance—Tuberculosis Department—Communicable Disease Department—Formulation of Regulations to Prevent Spread of Communicable Diseases—Care of Tuberculous Patients at Expense of County—Name. Tuberculosis—Commitment to Institutions of Persons Afflicted with, Who do not Protect Others. (Ch. 398, Act Apr. 25, 1919.)

SECTION 1. County public hospital; trustees; appointment.—That chapter 1, title 4, of the supplement to the code, 1913, be, and the same is hereby, amended by inserting after the comma following the word "hospital" in the third line thereof in section 400-c, the following words, "it is made mandatory that."

SEC. 2. Organization of board; maintenance of hospital, etc.—Amend section 400-d by striking out the semicolon and the words "and shall at such time certify the amount necessary to maintain and operate said hospital for the ensuing year" and substituting in lieu thereof a period following the word "year."

SEC. 3. Substitute; department for tuberculous persons; infectious diseases; rules and regulations.—That section 400-g be, and the same is hereby, amended by striking out all the said section and enacting in lieu thereof the following: "That the board of trustees of any hospital, either operating now, or in process of construction, or to be established in the future under this act, is hereby authorized to operate said hospital as a tuberculosis sanatorium, if deemed advisable or to provide as a department of said public hospital, suitable accommodations and means for the care of persons afflicted with tuberculosis. That said board of trustees may also establish as a department of said county hospital a suitable building or buildings for the isolation or detention of persons afflicted with contagious diseases, and who are subject to the quarantine regulations of the laws of the State of Iowa and the rules and regulations of the State board of health. That said board of trustees may formulate such rules and regulations for the government of such persons and the protection from infection of other patients, and nurses, and attendants in such public hospital as they may deem necessary, and it shall be the duty of all persons in charge of or employed in such hospitals or residents thereof to faithfully obey and comply with any or all of such rules and regulations."

SEC. 4. Indigent tuberculous patients; provisions against infection.—That section 400-s be, and the same is hereby, amended by striking out the word "indigent" in line 3 of said section. Also following the comma after the word "residents" in line 3 of said section the following words be inserted: "who are financially unable to care for themselves." Also that the word "department," in line 5 of said section, be stricken out. That any person suffering with tuberculosis who shall persistently, or carelessly or maliciously, expecto-

rate the matter coughed up from his lungs, and who refuses to properly protect the public or persons with whom he may be associated against the dangers of infection, then such person may be tried as provided in section 2310-a2, title 12, chapter 2-A, of the supplement to the code, 1913, and upon conviction may, by the district court, be committed to the State sanatorium, subject to the laws of admission at said institution, or any county sanatorium or other institution where tuberculosis is cared for: *Provided*, That such careless consumptive shall in no case be sent to any such institution until the committing officer shall first have made inquiry and ascertained that the institution to which said careless consumptive is to be sent has proper quarters, and is properly prepared and ready to take care of such case, and only after the legal application blanks and procedures are properly completed and carried out.

That if any patient being treated for tuberculosis at the State sanatorium, or any county sanatorium or other institution where tuberculosis is cared for, shall refuse to comply with the laws of the State and rules and regulations for the government of the institutions named herein, and shall persistently, or carelessly or maliciously violate such laws, rules, and regulations so as to menace the welfare of said institutions or to interfere with the administration, order, or peace of said institution, then upon complaint of the superintendent of any institution herein designated, such person may by order of the district court be segregated and forcibly detained in a ward or room, for such purpose, and for such period of time as may be deemed advisable by the court, to the end that such person may be properly treated, that the population of such institution may be protected and the decorum maintained.

SEC. 5. County public hospitals; change of title.—That title 4, chapter 2[1], of the supplement to the code, 1913, be, and the same is hereby, amended by adding to said chapter as section 409-u the following: "That hospitals either operating now or in process of construction or to be established hereafter under this act instead of being called the 'county public hospital' may be named by the use of some appropriate 'title' or 'appellation.'"

SEC. 6. Acts in conflict amended.—All acts or parts of acts not in harmony with the provisions of this act are hereby amended to conform with this act.

Dental Clinics for School Children—Establishment and Maintenance Authorized. Courses of Instruction on Mouth Hygiene for School Children Authorized. (Ch. 91, Act Mar. 27, 1919.)

SECTION 1. Dental clinics for school children; courses of instruction; school boards; authorization and powers.—Boards of school directors in all school districts containing 1,000 or more inhabitants are hereby authorized to establish and maintain, in connection with the schools of such districts, a dental clinic for children attending such schools, and to offer courses of instruction on mouth hygiene. Said boards are hereby empowered to employ such legally qualified dentists and dental hygienists as may be necessary to accomplish the purpose of this act, and pay the expense of the same out of the general fund.

State Board of Health—Annual Appropriations. (Ch. 388, Act Apr. 25, 1919.)

SECTION 1. Repeal and substitute; State board of health; appropriation.—That section 2575 of the code be, and the same is hereby, repealed and the following enacted as a substitute therefor:

That the annual appropriation for the State board of health, for the purpose of making sanitary investigations and inquiries in respect to the people, the

causes of disease, epidemics, and the sources of sickness and mortality, the effect of locality, employments, conditions, and circumstances on public health, and for the purpose of making inquiry and investigation into the sanitary condition of any State, county, city, or other almshouse, asylum, prison, penitentiary, jail, hospital, charitable institution, school, college, university, or reform school, and for such other expenses incurred in carrying into effect the sanitary investigations required of the State board of health as found in section 2565 of the code, section 2569-a of the supplement to the code, 1913, the transportation expenses of the physician members, and the necessary traveling and incidental expenses of the civil and sanitary engineer, as provided in section 2564 of the supplement to the code, 1913, and the necessary traveling and incidental expenses of the secretary acting as the executive officer and commissioner of public health, shall be the sum of \$10,000 or so much thereof as shall be necessary, to be paid from any money in the State treasury not otherwise appropriated.

SEC. 2. *Assistants, etc.; appropriation.*—That there is hereby appropriated annually, out of any funds in the State treasury not otherwise appropriated, the sum of \$5,000, or so much thereof as shall be necessary, for the State board of health for the employment of the necessary assistants and for defraying the traveling and incidental expenses incurred in making the sanitary investigations, inspections, and surveys required in carrying out the provisions of section 9, section 105, section 106, and section 108 of senate file No. 475, acts of the thirty-eighth general assembly.

SEC. 3. *Appropriations; how paid.*—That all appropriations made for the use of said State board of health shall be paid in accordance with section 2564-a of the supplement to the code, 1913.

Local Boards of Health—Health Physician Made Member. (Ch. 87, Act Mar. 27, 1919.)

SECTION 1. *Health physician member of local board.*—That section 2568 of the code be, and the same is hereby, amended by inserting after the word "mayor," in the first line thereof, a comma and the words "health physician."

Public Health Nurses—Employment and Duties. (Ch. 290, Act Apr. 22, 1919.)

SECTION 1. *Public health nurses; authority to employ; salaries and expenses.*—That the boards of supervisors, the city and town councils, and the school boards in this State shall have the power and authority to employ visiting or public health nurses at such periods each year and in such numbers as they may deem advisable and to pay the salaries and expenses thereof from the funds in the treasuries of said boards and councils.

SEC. 2. *Cooperation in employment; apportionment of salaries, etc.*—That the said board of supervisors, the city and town councils, and the school boards in any county in the State may cooperate in the employment of said visiting or public health nurses and may apportion the salaries and expenses thereof to the various territories represented by them.

SEC. 3. *Duties prescribed.*—That the said boards of supervisors, the city and town councils, and the school boards shall at the time of the employment of visiting or public-health nurses prescribe the duties thereof, which shall in a general way be for the promotion and conservation of the public health.

Communicable Diseases of Animals—Prevention, Suppression, Control, and Eradication. Tuberculin Testing of Cattle—Indemnification of Owner for Animals Slaughtered—Sale and Use of Tuberculin. (Ch. 287, Act Apr. 22, 1919.)

SECTION 1. Domestic animals; diseases; commission of animal health; duties.—That it shall be the duty of the commission of animal health to protect the health of the domestic animals of the State; to determine and employ the most efficient and practical means for the prevention, suppression, control, and eradication of dangerous, contagious, or infectious diseases among the domestic animals; and for these purposes it is hereby authorized and empowered to establish, maintain, enforce, and regulate such quarantine and other measures relating to the movements and care of animals and their products, the disinfection of suspected yards, buildings, and articles, and the destruction of animals, as it may deem necessary; and to adopt, from time to time, all such regulations as may be necessary and proper for carrying out the purposes of this act: *Provided*, That the commission of animal health shall enact such rules and regulations only regarding interstate shipments of live stock as are in harmony with the rules and regulations of the Federal Bureau of Animal Industry, except in case there shall be an outbreak of a malignant or contagious disease in any locality, State, or Territory, in which event the board shall have the right to place an embargo on such locality, State, or Territory.

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SEC. 3. Diseases among domestic animals; control of; local health boards to assist.—All local boards of health shall assist the commission of animal health in the prevention, suppression, control, and eradication of contagious and infectious diseases among domestic animals whenever requested so to do by the secretary or any member thereof.

SEC. 4. Commission of animal health; quarantine; rules and regulations.—The commission of animal health or its executive officer may quarantine or kill any domestic animal infected with any such disease referred to in section 3. Said commission may regulate or prohibit the arrival in and departure from the State of animals so infected or exposed to any highly contagious disease, and in case of violation of any such regulation or prohibition, may detain any animal at its owner's cost. The commission of animal health may regulate or prohibit the bringing of domestic animals into the State, which, in its opinion, for any reason may injure the health of live stock therein. All rules and regulations adopted by the commission under authority of this act shall be recorded in its minutes, and one week's published notice thereof shall be given by publication of said rules and regulations of the commission in at least two daily papers with a wide circulation published in Iowa, except in such cases as the commission may deem immediate action necessary.

SEC. 5. Glanders; animals affected with; destruction; misdemeanor; fine.—The commission shall have full authority to cause the prompt destruction of any horses, mules, or asses affected with glanders. Every owner or person having care and control of a horse or other animal having the glanders who shall knowingly permit such animal to run at large or be driven upon any highway, or who shall sell or in any manner dispose of the same to any person, and every keeper of a public barn who shall knowingly permit any horse or other animals having such disease to be stabled in such barn shall be guilty of a misdemeanor and be punished by a fine of not less than \$25 or not more than \$100, or by imprisonment in the county jail for not less than 10 or more than 30 days.

SEC. 6. *Health officer, etc; legal duty; obstructing of, a misdemeanor.*—Every person who shall willfully oppose or obstruct a health officer, physician, or veterinarian charged with the enforcement of the health laws in performing any legal duty shall be guilty of a misdemeanor.

SEC. 7. *Animal with contagious disease; sale of, etc., punishable.*—Every owner or person having charge of any animal, knowing the same to have any infectious or contagious disease, who shall sell or barter the same for breeding or dairy purposes or knowingly permit such animal to run at large or come into contact with any other animal or animals of another person, shall be punished by imprisonment in the county jail for not less than 10 nor more than 30 days, or by a fine of not less than \$25 nor more than \$100, and the seller or owner of such animal under the conditions stated shall be liable to the purchaser to the extent of the purchase price.

SEC. 8. *Examination of premises; duty of commission or agents.*—The commission of animal health, or any member thereof, or any of their duly authorized agents, shall at all times have the right to enter any premises, farms, fields, pens, abattoirs, slaughterhouses, buildings, cars, or vessels where any domestic animal is at the time, or has been quartered, or wherever the carcass of one may be, for the purpose of examining the animal carcass or premises in any way that may be necessary to determine whether they are or were the subjects of any contagious or infectious disease.

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SEC. 10. *Testing of herds for tuberculosis; procedure.*—That owners of herds who desire to have their herds examined and tested with a view to detecting the presence of tuberculosis, and with a further view of freeing their herds from such disease, may apply to the commission for testing and examination. A blank for such application shall be furnished by the commission and shall include such an agreement on the part of the person making the said application that he will conform to and abide by the rules and regulations laid down by said commission and follow the instructions of said commission designated to prevent the reinfection of the herd and to suppress the disease or prevent the spread thereof. Upon receiving such application, or if herds or animals are examined on the commission's own motion, the commission shall, as soon as practicable, cause such test or an examination to be made. If, after such an examination, tubercular animals are found therein, the said commission shall have authority to order such disposition of them as it considers most desirable and economical. Before being tested such animals shall be appraised at their cash value for breeding, dairy, or beef purposes by a representative of the commission or a representative of the United States Bureau of Animal Industry, or both, together with the owner. If these can not agree as to the amount of the appraisal there shall be appointed three competent and disinterested men, one appointed by the commission, one by the owner, and the third by the first two, to appraise such animals, which appraisal shall be final. The expense of such appraisal shall be borne by the State. In the case of pure-bred cattle the pedigree shall be proved by certificate of registry from the herd books where registered. If it is deemed advisable to slaughter an animal reacting to the tuberculin test, the owner shall be paid from the funds of the State treasury not otherwise appropriated a sum equal to one-third of the difference between the proceeds from the sale of the salvage, which the owner receives, and the appraised breeding value of the animal: *Provided*, The State does not pay to the owner a sum in excess of \$80 for any pure-bred animal and \$40 for any grade. In all cases it is provided the animal has been owned at least six months, in the State, by the applicant prior to the condemnation thereof.

SEC. 11. *Quarantine, etc.*—If, after examination, an animal is, in the judgment of the officer or agent of the commission making the examination, affected with tuberculosis, and if the commission deems that a due regard for the public health warrants it, said commission may enter into a written agreement with the owner, subject to such conditions as the commission may prescribe, for the separation and quarantine of such diseased animal or animals. Subject to the regulations of the commission, such diseased animal or animals may continue to be used for breeding purposes.

SEC. 12. *Voluntary application for herd test.*—When the commission deems that the conditions warrant it, said commission may make provisions for accrediting such herds as have their approval. When voluntary application has been made to the said commission for the testing of either dairy or pure-bred herds, as provided in this act, the party making the application, after agreeing to the rules and regulations of the commission, shall not be required to pay the expenses of said test or examination.

SEC. 13. *Tuberculin; distribution and use; authorization.*—The commission shall have control of the sale, distribution, and use of all tuberculin used in the State, and shall formulate regulations for its distribution and use. Only such persons as are authorized by the commission and any regular practicing veterinary surgeon of the State shall be entitled to administer tuberculin to any animal included under this act.

SEC. 14. *Transportation of animals; specific diseases; certificate of health.*—That it shall be unlawful for any person or transportation company to bring into the State of Iowa, except to public live-stock markets within the State of Iowa, under the jurisdiction of the Federal Bureau of Animal Industry, or to take from any such live-stock market in the State of Iowa any horses, mules, asses, cattle, sheep, or swine, for work, breeding, or dairy purposes, unless such animals have been examined and found free from the following contagious diseases: Glanders, farcy, tuberculosis, hog cholera, scabies, maladie du coit, or any other contagious or infectious diseases, which freedom from disease shall be established by a certificate of health signed by a veterinarian acting under the jurisdiction of the Federal Bureau of Animal Industry, or by a State veterinarian, or assistant State veterinarian, acting under the approval, order, or discretion of the commission. A copy of such certificate shall be attached to the bill of lading accompanying the shipment, and a copy thereof shall be mailed to the secretary of the commission of animal health.

SEC. 15. *Provisions of act; violation of; misdemeanor; punishment.*—Any person, transportation company, corporation, or agent thereof violating any of the provisions of this act shall be guilty of a gross misdemeanor, and upon conviction thereof shall be fined for each offense not less than \$500, nor more than \$1,000, or be imprisoned for not more than one year. Such transportation company, corporation, or agent shall be liable in a civil action to any person injured for the full amount of damages that may result from the violation of this act. Action may be brought in any county in the State in which said animals are sold, offered for sale, or delivered to purchaser, or anywhere they may be detained in transit.

SEC. 16. *Provisions as to tuberculosis; when not applicable.*—Provided, however, That no provision of this act pertaining to tuberculosis shall be applicable to cattle to be kept or sold for feeding purposes only, nor to transportation of same.

SEC. 17. *Annual appropriation.*—It is hereby declared that the carrying out of the provisions of this act is necessary for the public health and public welfare, and there is hereby appropriated, out of any money in the State

treasury not otherwise appropriated, the sum of \$100,000 annually, to become available on the taking effect of this act.

SEC. 18. *Cooperation of commission and United States Department of Agriculture; infected cattle; indemnity.*—The commission is hereby authorized to cooperate with and arrange for such assistance from the United States Department of Agriculture in carrying out the provisions of this act as they may deem wise and just. No cattle infected with tuberculosis shall be killed without the owner's consent under the provisions of this act, unless there shall be funds in the treasury remaining from the aforesaid appropriation after all prior claims are paid.

SEC. 19. *Provisions of act; violation; misdemeanor; penalty.*—Any person or persons violating any of the provisions of this act or any of the rules and regulations adopted under the authority of this act, except as otherwise stated, shall be guilty of a misdemeanor and shall be punished by fine of not less than \$100 or not more than \$500, or by imprisonment in the county jail for not less than 30 days nor more than 6 months.

SEC. 20. *Specific sections and acts in conflict repealed.*—Sections 2533, 2534, and 2537 of the code; sections 2530, 2533, 2534, 2536, 2538, 2538-d, 2538-q of the supplement to the code, 1913, and all other acts or parts of acts in conflict with this act are hereby repealed.

Milk, Skimmed Milk, and Cream—Sale—When Deemed Adulterated or Misbranded. Imitation Evaporated Milk and Imitation Ice Cream—Sale—Labeling. Milk Dealers and Persons Operating Creameries, Milk Plants, Etc.—Required to Maintain Premises and Utensils in Sanitary Condition—Reports by. (Ch. 206, Act Apr. 11, 1919.)

SEC. 2. *Repeal and substitute; adulteration or misbranding; "milk" and "cream" defined; cheese; imitation products, etc.*—That the law as it appears in section 2515-b, 2515-c, and 2515-d, supplement to the code, 1913, as amended by chapter 377, acts of the thirty-seventh general assembly, be, and the same are hereby, repealed, and the following enacted in lieu thereof:

No person shall sell, exchange, or expose for sale or exchange, or deliver or bring to another for domestic or potable use, or to be converted into any product of human food, any adulterated or misbranded milk, cream, or skimmed milk, and no person shall purchase any such substance to be converted into any human food product or manufacture the same into food product, nor shall any persons offer or expose for sale or have in his possession with intent to sell or sell any skimmed milk unless each receptacle and carrying can containing the same shall be kept plainly marked on the side thereof with the words "skimmed milk" in the English language in plain letters not less than 1 inch in height: *Provided*, That skimmed milk sold in bottles shall be deemed to be properly marked if the cap shall be plainly printed with the words "skimmed milk" in letters not smaller than 12-point gothic caps.

For the purpose of this act, milk is the fresh, clean, lacteal secretion obtained by the complete-milking of one or more healthy cows, properly fed and kept. For the purposes of this act, cream is the portion of milk, rich in milk fat, which rises to the surface of milk on standing or is separated from it by centrifugal force, is fresh and clean. For the purpose of this act, skimmed milk is the portion of milk, poor in fat, from which the cream has been removed. The term "skimmed milk" shall also include the fresh, clean, lacteal secretion of one or more healthy cows, and containing less than 3 per cent of milk fat or less than 11½ per cent of milk solids.

For the purpose of this act, milk, cream, and skimmed milk shall be deemed to be adulterated:

In case of milk, cream, and skimmed milk—

First. If water or any other substance has been added.

Second. If it contains any visible dirt or be contained in any container which is not clean.

Third. If it be obtained from any animal having disease, sickness, ulcer, abscess, or running sore, or which has been obtained from a cow within 15 days before or 5 days after calving.

Fourth. If it be obtained from a cow stabled in a unhealthful place or fed upon any substance in a state of putrifaction or of an unhealthful nature.

In case of milk—

If it contains less than 3 per cent of milk fat or less than $11\frac{1}{2}$ per cent of milk solids.

In case of cream—

If it contains less than 16 per cent of milk fat.

For the purpose of this act milk, cream, and skimmed milk shall be deemed to be misbranded—

If it be labeled or branded so as to deceive or mislead the purchaser, or if the package bears any statement, design, or device which is false or misleading in any particular.

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Every article, substitute, or compound save that produced from pure milk of cows and containing no added substance made in the semblance of or designed to be used for or in the place of evaporated milk is hereby declared "imitation evaporated milk," and every article, substitute, or compound containing any fat other than the milk fat of milk cows made in the semblance of or designed to be used for or in the place of cream is hereby declared "imitation ice [sic] cream." No person, firm, or corporation shall manufacture, have in his possession, offer to sell, or sell, solicit, or take orders for delivery or ship any such imitation evaporated milk or imitation ice [sic] cream, except in the manner and subject to the regulations provided in this section.

Imitation evaporated milk and imitation ice cream may be manufactured, kept in possession, offered for sale, or sold if each can, tub, box, or other package in which same is kept, offered for sale, or shipped shall have plainly branded on the side or top thereof in the English language in a durable manner the words "Imitation evaporated milk" or "Imitation ice cream," as the case may be. The letters of the words to be not less than 1 inch in height and one-half inch in width: *Provided, however,* That on packages containing less than 20 ounces net of imitation evaporated milk the words "Imitation evaporated milk" may appear plainly printed on the principal label of the package in type not less than one-fourth inch in height and one-eighth inch in width. Imitation evaporated milk and imitation ice cream may be kept, used, or served only in case the proprietor or person in charge of the place in which such imitation evaporated milk or imitation ice cream is used or served shall display and keep constantly posted and [sic] card opposite each table, counter, or other place where the guests or others are served with the same, which card shall be white, at least 10 by 14 inches in size, and the words "Imitation evaporated milk used here" or "Imitation ice cream used here," as the case may be, printed in black roman letters not less than 3 inches in height and 2 inches in width, and no other words or figures shall be printed thereon: *Provided, however,* That this provision shall not apply to a private residence of a person serving his family or guests. Nothing in this or the preceding section

shall be construed to require the labeling of nut ice cream or ice cream flavored with chocolate or cocoa "imitation ice cream."

* * * * *

SEC. 4. *Milk dealers, manufacturers, etc.; sanitation; reports; violations; penalty.*—That the law as it appears in section 2522, supplement to the code, 1913, be, and the same is hereby, amended by inserting after the word "creamery" where it appears in line 4 thereof the words "milk plant, cream station, or ice cream."

* * * * *

SEC. 7. *Violation of act; misdemeanor; penalty.*—That any person, firm, or corporation violating any provision of this act shall be guilty of a misdemeanor, and upon conviction therefor shall be punished by a fine of not less than \$10 nor more than \$100 or by imprisonment for not more than 30 days in the county jail.

Eggs—Sale—Candling. (Ch. 274, Act Apr. 21, 1919.)

SECTION 1. *Eggs; human food; when unfit for.*—No person, firm, or corporation shall sell, offer or expose for sale, or have in his possession or traffic in any egg unfit for human food unless the same is broken in shell and then denatured so that it can not be used for human food. For the purposes of this act an egg shall be deemed unfit for human food if it be addled or moldy, a black rot, a white rot, or a blood ring, or if it has an adherent yolk, or a bloody or green white, or if it be incubated beyond the blood-ring stage, or if it consists, in whole or in part, of a filthy, decomposed, or putrid substance.

SEC. 2. *Dockage; candling.*—No person, firm, or corporation shall, in buying or selling eggs, take or give a greater or less dockage for eggs unfit for food, as defined in section 1 of this act, than the actual dockage which has been determined by the careful candling of the eggs so purchased or sold, and he shall keep such candling records as may be required by the rules and regulations of the dairy and food commissioner. All such records shall be open at all reasonable times for examination by the dairy and food commissioner or his representatives. The term "candling" as used herein shall be construed to mean the careful examination, in a partially dark room or place, of the whole egg by means of a strong light, the apparatus and method employed to be such as shall be approved by the dairy and food commissioner. Every person, firm, or corporation engaged in the business of buying eggs in this State for resale or consignment shall provide and maintain an adequate place for the accurate candling of eggs and a suitable place for the proper handling of eggs which are intended to be used for human food.

SEC. 3. *Candling certificate.*—There shall be placed on the top layer of every case of candled eggs, by the person candling same, a candling certificate. Such candling certificate shall be printed on cards or sheets of paper not smaller in size than 2½ by 4½ inches, and shall give the date of candling the eggs contained in the case in which it is placed, the name, initials, or number of the person candling the eggs, and the name of this State, and the license number of the person, firm, or corporation for which the eggs were candled.

SEC. 4. *License; fee.*—For the purpose of enforcing the provisions of this act, it is hereby required that 30 days after this act takes effect no person, firm, or corporation shall engage in the business of buying, selling, dealing in, or trading in eggs, except those retailers who buy direct from licensees and who do not sell in lots greater than one case, without first obtaining from the dairy and food commissioner a license to conduct such business. Such commissioner, upon receipt of a proper application upon forms such as he may prescribe,

accompanied by an annual license fee of \$1, shall thereupon issue to such person, firm, or corporation an annual license to engage in such business: *Provided*, That any person, firm, or corporation operating more than one place of business where eggs are bought shall procure a license for each such place of business. All such licenses shall expire March 1 of each year.

SEC. 5. Dairy and food commissioner; powers and duties.—The dairy and food commissioner shall enforce the provisions of this act and shall make suitable rules and regulations for carrying out its provisions. He shall determine the conditions under which eggs previously candled shall be recandled before sale in order to safeguard the purchaser against buying such eggs as are unfit for human food which may be contained in such lot.

SEC. 6. Provisions of act; violation; misdemeanor; penalty.—Any person, firm, or corporation failing to comply with the requirements of or violating any of the provisions of this act shall be guilty of a misdemeanor, and shall, upon conviction for the first offense, be fined not less than \$10 nor more than \$50. For any subsequent offense his license may be suspended or revoked, at the discretion of the dairy and food commissioner.

Sewer Connections. (Ch. 316, Act Apr. 22, 1919.)

SECTION 1. Water-closets, etc.; powers of cities and towns maintaining sanitary sewers.—That cities and towns, including cities under the commission plan and those under special charter, shall have the power to compel the removal, abandonment, and disuse of all outside water-closets, privies, and privy vaults where there is a sanitary sewer in the street or where a sanitary sewer may hereafter be placed in a street abutting upon property that has an outside water-closet, privy, or privy vault, and shall have the power to compel and cause to be installed sanitary toilet and toilet facilities to be connected with the sanitary sewer.

SEC. 2. Board of health; powers of.—That the board of health of any city or town, whenever they deem it necessary that any outside water-closet, privy, or privy vault be abandoned and removed where there is a sanitary sewer in the street or a sanitary sewer may hereafter be placed in a street abutting upon property upon which an outside water-closet, privy, or privy vault is located, may order that said outside water-closet, privy, or privy vault be abandoned and removed and that a sanitary toilet and toilet facilities be installed and connected with the sanitary sewer.

SEC. 3. Owner unable to install; assessment against property.—That in any case where the board of health of any city or town shall order the removal and disuse of any outside water-closet, privy, or privy vault and shall order that a sanitary toilet and toilet facilities be installed and connected with the sanitary sewer and the city council or board of commissioners shall determine that any property owner or owners are unable to pay for the installing of the sanitary toilet and toilet facilities and for connecting them to the sanitary sewer, then the city council or board of commissioners may have the necessary toilet installed and assess the cost against the property and the cost shall be a special assessment against the property. The assessment and collection of this cost shall be made according to the provisions in Title V, chapter 7, of the code of 1897, and the amendments thereto.

Plumbing—Adoption by Certain Cities and by the State Board of Health of Rules Governing—Examination and Licensing of Plumbers. (Ch. 378, Act Apr. 25, 1919.)

SECTION 1. Plumbing; installation and inspection, etc.—That the law as it appears in section 737-a of the code 1913, be amended as follows: Between

the “,” and the word “including,” in line 1, insert the following: “having a population of less than 6,000,” and by adding to said section 737-a the following:

SEC. 2. Code of rules; committee; appointment, compensation, etc.; powers of cities and towns.—That all cities having a population of 6,000 or more, including cities acting under the commission form of government and special charter cities, shall, within 90 days after the taking effect of this act, adopt and enforce ordinances regulating the business of plumbing and prescribing rules and regulations not inconsistent with the provisions of this act for the installation and inspection of plumbing and prescribing the grade of material to be used; also compelling the removal of plumbing hereafter installed in violation of such rules and manner prescribed; and to impose penalties within the limits of section 680, of the code, 1897, and amendments thereto, for violations of such ordinances,

The State board of health is hereby empowered to make such provisions as may be necessary to establish a code of rules governing the installation of plumbing in the State of Iowa. The Governor of Iowa shall, within 60 days after the passage of this act, appoint a committee of three, two of whom shall have had at least five years' experience in the business of plumbing, to meet with and assist the State board of health in drafting a State code for plumbing, specifying the grade of materials to be used and regulating the installation of same. Said committee shall serve without compensation, but shall be paid necessary traveling and hotel expenses. All necessary and incidental expenses in carrying out the provisions of this act shall be paid by the State treasurer from the plumbing-inspection fund hereinafter provided, in the manner provided in section 170-s, supplemental supplement to the code, 1915, as amended by chapter 67, acts of the thirty-seventh general assembly: *Provided, however*, That said committee shall receive no compensation except from such funds as may accrue under this act.

The State board of health shall provide and issue to the cities and towns herein specified the necessary blank certificates or license blanks on application. All cities and towns herein referred to shall have power to adopt and enforce additional rules governing plumbing not inconsistent with the State code herein provided for.

SEC. 3. Board of examiners; certain cities, council of, to appoint; duties; fund, etc.—In all cities which have a population of more than 6,000 having sanitary sewer system, or such other methods of sewerage disposal as are enumerated in this act, the council shall by ordinance appoint a board of examiners, consisting of three members, one of whom shall be a practical journeyman plumber, one a member of the local board of health, and one a practical master plumber, two of whom shall constitute a quorum for the transaction of business: *Provided, however*, That if there is no resident practical journeyman plumber or practical master plumber in such city the city council shall not be required to appoint a board of examiners, and every such city not having such a board of examiners shall require each person engaged as a master plumber or employing plumber or journeyman plumber in such city to have a license or certificate from some examining board within the State, either as a master plumber, journeyman plumber, or employing plumber.

The council shall provide suitable rooms in which said board of examiners may hold its meetings, and shall provide for the necessary incidental expenses incurred by said board, and may also provide a per diem compensation for the members of said board of examiners not exceeding \$10 per day for the time actually spent in performing the duties imposed upon said board.

Said board shall, when so directed by the council, and under such rules and regulations as the council shall prescribe, hold examinations of applicants for a certificate or license to work, either as a master plumber, journeyman plumber, or employing plumber, and if satisfied as to the competency of the applicant a certificate or license shall be issued to such master plumber, journeyman plumber, or employing plumber, and the amount of the fee for such examination shall not exceed \$10 for a master plumber or employing plumber and shall not exceed \$5 for a journeyman plumber. Fees for renewal for a master plumber or employing plumber's license shall not be more than \$2 and for a journeyman plumber's license shall not be more than \$1. Fees for such examination shall be divided as follows: One dollar of the examination fee to be returned to the secretary of the State board of health and by him paid to the State treasurer and kept by the treasurer as a separate fund, to be known as the plumbing-inspection fund, from which the expense incurred by the State board of health and the committee appointed by the governor, as provided in section 2 hereof, shall be paid, and the balance of examination fees to be paid monthly into the city treasury along with renewal fees.

SEC. 4. License; renewal, revocation.—Such certificates or license shall be valid and recognized throughout the State for a period of one year, and may be renewed from year to year upon the payment of the renewal fee. Such license shall not be transferable, and shall expire on the 31st day of December of each year.

Any such certificates or license issued by any such authorized board may be revoked by said board for repeated violation of ordinances enacted under the provisions of this act.

SEC. 5. Master plumbers; license without examination; time limit.—Such examining board shall issue a certificate or license upon the payment of the regular fee without examination to all master plumbers actually engaged in the business of plumbing at the time of the passage of this act, provided application for such license be made within 90 days after taking effect of this act.

SEC. 6. Terms defined.—The term "journeyman plumber" as used in this act shall mean a person who does any plumbing work which is by law, ordinance, rule, or regulation subject to official inspection. The term "master plumber" as used in this act shall include any person, firm, or corporation other than master [sic] plumber engaged in the business of installing plumbing. The term "plumbing" as used in this act shall mean the installing of any receptacle used to receive waste water, house soil, slops, or sewage.

Housing Law. (Ch. 123, Act Mar. 31, 1919.)

GENERAL PROVISIONS.

SECTION 1. Scope of the act.—This act shall be known as the housing law of Iowa and shall apply to every city of the first class and special charter cities and cities under commission form of government, which by the last State or Federal census had a population of 15,000 or more, and to every city as its population shall reach 15,000 thereafter by any State or Federal census: *Provided, however,* That in all other cities, including special charter cities, having a population of less than 15,000 and in incorporated towns the council may adopt ordinances for the regulation and control of any or all matters covered by the provisions of this act, in so far as same may be reasonably applicable, and fix penalties for the violation thereof, and fix rules and regulations not

inconsistent with those provided in this act for the enforcement of said ordinances.

SEC. 2. *Definitions.*—Certain words in this act are defined for the purposes thereof as follows: Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular; the word "person" includes a corporation as well as a natural person.

(1) *Dwelling.*—A "dwelling" is any house or building or portion thereof which is occupied in whole or in part as the home or residence of one or more human beings, either permanently or transiently.

(2) *Classes of dwellings.*—For the purposes of this act dwellings are divided into the following classes: (a) "Private dwellings," (b) "two-family dwellings," and (c) "multiple dwellings."

(a) A private dwelling is a dwelling occupied by but one family alone.

(b) A two-family dwelling is a dwelling occupied by but two families alone.

(c) A multiple dwelling is a dwelling occupied by more than two families.

(3) *Classes of multiple dwellings.*—All multiple dwellings are for the purposes of this act divided into two classes, viz, class A and class B.

Class A. Multiple dwellings of class A are dwellings which are occupied more or less permanently for residence purposes by several families and in which the rooms are occupied in apartments, suites, or groups. This class includes tenement houses, flats, apartment houses, apartment hotels, bachelor apartments, studio apartments, kitchenette apartments, and all other dwellings similarly occupied whether specifically enumerated or not.

Class B. Multiple dwellings of class B are dwellings which are occupied, as a rule transiently, as the more or less temporary abiding place of individuals who are lodged, with or without meals, and in which as a rule the rooms are occupied singly. This class includes hotels, lodging houses, boarding houses, furnished-room houses, clubhouses, asylums, boarding schools, convents, hospitals, jails, and all other dwellings similarly occupied whether specifically enumerated here or not.

(4) *Hotel.*—A "hotel" is a multiple dwelling of class B in which persons are lodged for hire and in which there are more than 25 sleeping rooms.

(5) *Family.*—For the purposes of this act a "family" is a group of persons living together, whether related to each other by birth or not, and may consist of one or more persons.

(6) *Mixed occupancy.*—In cases of mixed occupancy, where a building is occupied only in part as a dwelling, the part so occupied shall be deemed a dwelling for the purposes of this act.

(7) *Yards.*—A "rear yard" is an open unoccupied space on the same lot with a dwelling between the extreme rear line of the lot and the extreme rear line of the house. A yard between the front line of the house and the front line of the lot is a "front yard." A yard between the side line of the house and the side line of the lot which extends from the front line or front yard to the rear is a "side yard."

(8) *Courts.*—A "court" is an open unoccupied space, other than a yard, on the same lot with a dwelling. A court not extending to the street or front or rear yard is an inner court. A court extending to the street or front yard or rear yard is an outer court.

(9) *Corner and interior lots.*—A "corner lot" is a lot of which at least two adjacent sides abut upon a street. A lot other than a corner lot is an "interior lot." The word "lot" is any deeded parcel of land whether a full platted lot or not.

(10) *Front, rear, and depth of lot.*—The front of a lot is that boundary line which borders on the street. In case of a corner lot the owner may elect by statement on his plans either street boundary line as the front. The rear of the lot is the side opposite to the front. The depth of a lot is the dimension measured from the front of the lot to the extreme rear line of the lot. In case of irregular-shaped lots the mean depth shall be taken.

(11) *Public hall.*—A "public hall" is a hall, corridor, or passageway not within the exclusive control of one family.

(12) *Stair hall.*—A "stair hall" is a public hall and includes the stairs, stair landings, and those portions of the building through which it is necessary to pass in going between the entrance floor and the roof.

(13) *Basement, cellar, attic.*—(a) A "basement" is a story partly underground, but having at least one-half of its height above the curb level, and also one-half of its height above the highest level of the adjoining ground. A basement shall be counted as a story.

(b) A "cellar" is a story having more than one-half of its height below the curb level or below the highest level of the adjoining ground. A cellar shall not be counted as a story for purposes of height measurement. If any part of a story is in that part the equivalent of a basement or cellar, the provisions of this act relative to basements and cellars shall apply to such part of said story.

(c) In the case of private dwellings and two-family dwellings an attic or space in a sloping roof, if occupied for living purposes, shall not be counted as a story; in the case of multiple dwellings an attic room shall be counted as a story if used for living purposes.

(14) *Height.*—The "height" of a dwelling is the perpendicular distance, measured in a straight line from the curb level to the highest point of the roof beams in the case of flat roofs, and to the average of the height of the gable in the case of pitched roofs; the measurements in all cases to be taken through the center of the front of the house. Where a dwelling is situated on a terrace, above the curb level, such height shall be measured from the level of the adjoining ground. Where a dwelling is on a corner lot and there is more than one grade or level, the measurements shall be taken from the mean elevation.

(15) *Curb level.*—The "curb level" is the level of the established curb in front of the building measured at the center of such front. Where no curb has been established, the city engineer shall establish such curb level or its equivalent for the purposes of this act.

(16) *Occupied spaces.*—Outside stairways, fire towers, porches, platforms, balconies, boiler flues, and other projections shall be considered as part of the building and not as a part of the yards or courts or unoccupied spaces. This provision shall not apply to uninclosed outside porches not exceeding two stories in height, which do not extend into the front or rear yard a greater distance than 10 feet from the front or rear walls of the building, nor to any such porch which does not extend into the side yard a greater distance than 12 feet from the side wall of the building nor exceed 12 feet in its other horizontal dimension, nor to an inclosed rear porch or attached garage with or without sleeping porch above and not exceeding 12 by 20 feet, nor to cornices or eaves not exceeding 18 inches in width.

(17) *Fire-resistive constructed dwelling.*—A dwelling of fire-resistive construction is one with brick, stone, or concrete walls and with brick, tile, concrete, or terra-cotta floors and roof. Floor and roof supports to be of brick, concrete, or metal, with all metal protected by tile, concrete, or similar fire-

resistant material. But this definition shall not be construed as prohibiting the use of wooden flooring on top of the fireproof floors or the use of wooden sleepers, nor as prohibiting wooden handrails or treads of hardwood not less than 1 inch thick.

(18) *Wooden buildings.*—A "wooden building" is a building of which the exterior walls or a portion thereof are of wood. Court walls are exterior walls.

(19) *Nuisance.*—The word "nuisance" shall be held to embrace nuisance as known at common law or in equity jurisprudence; and whatever is dangerous to human life or detrimental to health; whatever dwelling is overcrowded with occupants or is not provided with adequate ingress or egress to or from the same or is not sufficiently supported, ventilated, sewered, drained, cleaned, or lighted in reference to its intended or actual use; and whatever renders the air or human food or drink unwholesome, are also severally in contemplation of this act nuisances; and all such nuisances are hereby declared illegal.

(20) *Construction of certain words.*—The word "shall" is always mandatory and not directory, and denotes that the dwelling shall be maintained in all respects according to the mandate as long as it continues to be a dwelling. Wherever the words "charter," "ordinances," "regulations," "superintendent of buildings," "health department," "the board of health," "health officer," "commissioner of public safety," "commissioner of public health," "department charged with the enforcement of this act," "corporation counsel," "mayor," "city treasurer," or "fire limits" occur in this act they shall be construed as if followed by the words "of the city in which the dwelling is situated."

Wherever the words "health department," "health officer," or "duly authorized assistant" or "board of health," "commissioner of public safety," or "commissioner of public health" are employed in this act, such words shall be deemed and construed to mean the official or officials in any city to whom is committed the charge of safeguarding the public health. The terms "superintendent of buildings," "building department," and "inspector of buildings" shall embrace the department and the executive head thereof specially charged with the execution of laws and ordinances relating to the construction of buildings. Wherever the words "occupied" or "used" are employed in this act such words shall be construed as if followed by the words "or is intended, arranged, designed, built, altered, converted to, rented, leased, let, or hired out to be occupied or used."

Wherever the words "dwelling," "two-family dwelling," "multiple dwelling," "building," "house," "premises," or "lot" are used in this act they shall be construed as if followed by the words "or any part thereof." Wherever the words "city water" are used in this act, they shall be construed as meaning any public supply of water through street mains; and wherever the words "public sewer" are used in this act they shall be construed as meaning any part of a system of sewers that is used by the public or by concerted action of several users, whether or not such part was constructed at the public expense. Wherever the word "street" is used in this act it shall be construed as including for the purpose hereinafter stated any public alley 16 feet or more in width, namely, for the sole purpose of determining the required open space around and the allowable height of any building abutting thereon. "Approved fire-resistive material" means as set forth by ordinances or, if not so determined, as approved by the superintendent of buildings.

SEC. 3. *Buildings converted or altered.*—A building not a dwelling, if hereafter converted or altered to such use, shall thereupon become subject to such provisions of this act relative to dwellings hereafter erected as the board of health may require. A dwelling of one class, if hereafter altered or converted

to another class, shall thereupon become subject to such provisions of this act relative to such latter class as the board of health may require.

SEC. 4. Alterations and change in occupancy.—No dwelling hereafter erected shall at any time be altered so as to be in violation of any provision of this act. And no dwelling erected prior to the passage of this act shall at any time be altered so as to be in violation of those provisions of this act applicable to such dwelling. If any dwelling or any part thereof is occupied by more families than provided in this act, or is erected, altered, or occupied contrary to law, such dwelling shall be deemed an unlawful structure and the health officer may cause such dwelling to be vacated. Any such dwelling shall not again be occupied until it or its occupation, as the case may be, has been made to conform to the law.

SEC. 5. Dwellings damaged.—If a dwelling be damaged by fire or other cause to the extent of 65 per cent or more of its original value, exclusive of the value of the foundations, such dwelling shall not be repaired or rebuilt except in conformity with the provisions of this act relative to dwellings hereafter erected: *Provided, however,* The owner shall be permitted to rebuild a building of the same size as before, subject to such reasonable provisions regarding light, ventilation, and sanitation as the board of health may prescribe.

SEC. 6. Dwellings moved.—If any dwellings be hereafter moved from one lot to another, it shall thereupon be made to conform to all the provisions of this act relative to dwellings hereafter erected, unless the board of health shall in a written permit for such removal certify that such dwelling is reasonably safe and sanitary.

SEC. 7. Sewer connections and water supply.—The provisions of this act with reference to sewer connections and water supply shall be deemed to apply only where connection with a public sewer and with public water mains is or becomes reasonably accessible. All questions of the practicability of such sewer and water connections shall be decided by the health officer or such other official as the board of health may direct.

SEC. 8. Minimum requirements; law not to be modified.—The provisions of the act shall be held to be the minimum requirements adopted for the protection of health, welfare, and safety of the community. Nothing herein contained shall be deemed to invalidate existing ordinances or regulations of any city imposing requirements higher than the minimum requirements laid down in this act relative to light, ventilation, sanitation, fire prevention, egress, occupancy, maintenance, and uses for dwellings; nor be deemed to prevent any city subject to this act from enacting and putting in force from time to time ordinances and regulations imposing requirements higher than the minimum requirements laid down in this act; nor shall anything herein contained be deemed to prevent such cities from prescribing for the enforcement of such ordinances and regulations, remedies and penalties similar or additional to those prescribed herein. And every city subject to this act is empowered to enact such ordinances and regulations and to prescribe for their enforcement; and to enact such other ordinances pertaining to the housing of the people, not in conflict with the provisions of this act, as shall be deemed advisable by the city council. No ordinance, regulation, ruling, or decision of any municipal body, officer, or authority shall repeal, amend, modify, or dispense with any of the said minimum requirements laid down in this act, except as specifically provided herein.

SEC. 9. State board of health.—The State board of health shall have the power to examine into the enforcement of this act in each city.

SEC. 10. Time for compliance.—All improvements specifically required by this act upon dwellings erected prior to the date of its passage shall be made within one year from said date, unless time is extended by the health department.

SEC. 11. *Dwellings affected.*—All the provisions of this act shall apply to all classes of dwellings, except that in sections where specific reference is made to one or more specific classes of dwellings such provisions shall apply only to those specific classes to which reference is made.

LIGHT AND VENTILATION.

SEC. 12. *Height.*—No dwelling hereafter erected shall exceed in height one and one-half times the width of the widest street upon which it abuts, nor in any case shall it exceed 100 feet in height. Such width of street shall be determined by measuring from front line of the building as constructed to the street line of the opposite side of the street. The provisions of this section shall not apply to hotels.

SEC. 13. *Yards.*—Immediately behind every single and two-family dwelling hereafter erected there shall be, except as hereinafter provided, a rear yard extending across the lot for a distance equal to at least the width of the dwelling. Such yard shall be open and unobstructed from the ground to the sky. Every part of such yard shall be directly accessible from every other part thereof. The depth of said yard shall be measured at right angles from the rear lot line to the extreme rear part of the dwelling. Such rear-yard space shall in no case be less than 10 feet deep, and 2 feet additional for each story of the dwelling on said lot above the first.

An irregular-shaped lot, or lot subject to building-line restrictions, may be occupied by a dwelling without complying with the provisions of this section if the total yard space equals that required by this section.

The foregoing provisions of this section shall not apply to hotels.

SEC. 14. *Side yards.*—Dwellings hereafter erected may be built up to the side lot line if the side wall is without windows, or if with windows the air and light required by this act are provided otherwise than by windows on the lot line, or if the side lot line abuts on a street or alley. If, however, any side yard is left, it shall be open and unobstructed from the ground to the sky, and its width shall be proportionate to the height of the dwelling, and no side yard shall be less in width in any part than as follows:

(a) *Multiple dwellings.*—In the case of all multiple dwellings hereafter erected, one story in height and having a side yard, the width of the side yard measured to the side lot line shall be at least 4 feet, and such side yard shall be increased in width by 1 foot for each additional story above the first.

(b) *Private dwellings and two-family dwellings.*—In the case of private dwellings and two-family dwellings hereafter erected, one story or two stories in height, the width of the side yard measured to the side-lot line shall be at least 4 feet; such side yard shall be increased in width 1 foot for each additional story above the second.

(c) *Distance between buildings on same lot.*—Where more than one dwelling is erected upon the same lot, the distance between them shall not be less than 8 feet in the case of dwellings of one or two stories in height, this distance to be increased 2 feet for each additional story above the second.

SEC. 15. *Courts.*—The size of all courts in dwellings hereafter erected shall be proportionate to the height of the dwelling. No court shall be less in any part than the minimum size prescribed in this section. The minimum width of an outer court for a one-story dwelling shall be 5 feet, for a two-story dwelling 6 feet, for a three-story dwelling 7 feet, and shall increase 1 foot for each additional story above three stories. The least dimension of an inner court shall never be less than twice the minimum width prescribed by this

section for an outer court. The width of all courts adjoining the lot line shall be measured to the lot line and not to an opposite building.

SEC. 16. *Courts open at the top.*—No court of a dwelling hereafter erected shall be covered by a roof or skylight. Every such court shall be at every point open from the ground to the sky unobstructed. Except that in the case of hotels, courts may start on the floor level of the lowest bedroom story, and in the case of other multiple dwellings, where there are stores or shops on the lower story or stories, courts may start on the top of such lower story or stories.

SEC. 17. *Air intakes.*—In all dwellings hereafter erected every inner court extending through more than one story shall be provided with a horizontal air intake at the bottom.

SEC. 18. *Angles in courts.*—Nothing contained in the foregoing sections concerning courts shall be construed as preventing the cutting off of corners of said courts.

SEC. 19. *Buildings on same lot with a dwelling.*—If any building is hereafter placed on the same lot with a dwelling, there shall always be maintained between the said buildings an open and unoccupied space extending upward from the ground. If such buildings are placed at the side of each other, the space between them shall conform to the provisions of section 14 of this act relating to side yards, but shall be twice the minimum therein required. If such buildings are placed one at the rear of the other, the space between them shall be the same as that prescribed in section 12 for rear yards. In all cases the height of the highest building on the lot shall regulate the dimensions.

No building of any kind shall be hereafter placed upon the same lot with a dwelling so as to decrease the minimum sizes of courts or yards hereinbefore prescribed, except that, in case of a lot less than 75 feet deep, a one-story garage, not more than 25 feet deep, measured lengthwise of the lot, no more than 25 feet in the other dimensions, or other one-story building of like dimensions, used exclusively for domestic purposes, and not as a dwelling or for the shelter or habitation of animals or fowls of any kind, may occupy one-third of the depth of the open space in this section prescribed.

If any dwelling is hereafter erected upon any lot upon which there is already another building, it shall comply with all the provisions of this act; and, in addition, the space between the said building and the said dwelling shall be of such size and arranged in such manner as is herein prescribed, the height of the highest building on the lot to regulate the dimensions.

SEC. 20. *Rooms, lighting and ventilation of.*—In every dwelling hereafter erected every room shall have at least one window opening directly upon the street or a public alley, or other public space, at least 16 feet in width, or upon a yard or court of the dimensions specified in this act, and located on the same lot, and such window shall be so located as to properly light all portions of such rooms. This provision shall not, however, apply to rooms used as are galleries, swimming pools, gymnasiums, squash courts, or for similar purposes, provided such rooms are adequately lighted and ventilated.

SEC. 21. *Windows in rooms.*—In every dwelling hereafter erected the total window area in each room shall be at least one-eighth of the superficial floor area of the room, and the total minimum window area shall be made so as to open in all its parts.

SEC. 22. *Rooms, size of.*—In every dwelling hereafter erected all living rooms and bedrooms shall be of the following minimum sizes: Every such room shall contain at least 80 square feet of floor area, except that kitchenettes may be 40 square feet in area; no such room, except kitchenette, shall be in any part

less than 7 feet wide. In multiple dwellings of class A in each apartment, group, or suite of rooms there shall be at least one room containing not less than 120 square feet of floor area.

SEC. 23. Rooms, height of.—No room in a private dwelling hereafter erected shall be in any part less than 8 feet 3 inches high from the finished floor to the finished ceiling downstairs, and 7 feet 6 inches upstairs; except that an attic room used for living purposes in such private dwelling need be 7 feet 6 inches in but one-half of its area.

No room in a two-family dwelling or multiple dwelling hereafter erected shall be in any part less than 8 feet 3 inches high from the finished floor to the finished ceiling, except that in a two-family dwelling constructed so as to be occupied on two floors by one family the height of the rooms on the second floor shall be the same as herein provided for a private dwelling.

SEC. 24. Alcoves and alcove rooms.—In every dwelling hereafter erected an alcove in any room intended or used for separate occupancy shall be separately lighted and ventilated as provided for rooms in the foregoing sections. No part of any room in a dwelling hereafter erected shall be inclosed or subdivided at any time, wholly or in part, by a fixed partition for permanent separate occupancy, unless such part of the room so inclosed or subdivided shall be separately lighted and ventilated as provided for rooms in the foregoing sections.

SEC. 25. Water-closet compartments and bathrooms, lighting and ventilation of.—In every dwelling hereafter erected every water-closet compartment and every bathroom shall have an aggregate window area of at least 4 square feet between stop beads opening directly upon the street, or upon a yard or court of the dimensions specified in this act. Every such window shall be made so as to open in all its parts. Nothing in this section contained shall be construed so as to prohibit a general toilet room containing several water-closet compartments separated from each other by dwarf partitions, provided such toilet room is adequately lighted and ventilated to the outer air as above provided, and that such water-closets are supplemental to the water-closet accommodations required by the provisions of section 32.

The above provision shall not apply to hotels or dwellings that have a system of forced ventilation so constructed as entirely to change the air in every bathroom, toilet room, or water-closet compartment every seven minutes.

SEC. 26. Public halls and stair halls, lighting and ventilation of.—Every multiple dwelling, every public hall and stair hall shall have adequate lighting and ventilation as the board of health may require.

SANITATION.

SEC. 27. Cellar rooms.—In dwellings hereafter erected no room in the cellar shall be occupied for living purposes.

SEC. 28. Basement rooms.—In dwellings hereafter erected no room in the basement shall be occupied for living purposes, unless in addition to the other requirements of this act such room shall have sufficient light and ventilation, shall be well drained and dry and shall, in the opinion of the board of health, be fit for human habitation.

SEC. 29. Cellars and basements, lighting of.—Every dwelling hereafter erected shall have a basement, cellar, or excavated space under the entire entrance floor, at least 3 feet in depth, or shall be elevated above the ground so that there will be a clear air space of at least 18 inches between the top of the ground and the floor joists so as to insure ventilation and protection from dampness: *Provided, however,* That cement floors may be laid on the ground level if desired.

SEC. 30. Courts, areas, and yards.—In every dwelling hereafter erected all courts, areas, and yards shall be properly graded and drained, and when required by the health officer the courts shall be properly concreted in whole or in part, as may be necessary.

SEC. 31. Water supply.—In every dwelling hereafter erected and not exempted in section 7 of this act, there shall be a proper sink or washbowl with running water, exclusive of any sink in the cellar. In two-family dwellings and in multiple dwellings of class A there shall be such a sink or washbowl in each apartment, suite, or group of rooms.

SEC. 32. Water-closet accommodations.—In every dwelling hereafter erected there shall be a separate water-closet. Each such water-closet shall be placed in a compartment completely separated from every other water-closet; such compartment shall be not less than 30 inches wide, and shall be inclosed with partitions which shall extend to the ceiling. Every such compartment shall have a window opening directly upon the street or upon a yard or court of the minimum sizes prescribed by this act and located upon the same lot. Nothing in this section contained shall be construed so as to prohibit a general toilet room containing several water-closet compartments separated from each other by dwarf partitions, provided such toilet room is adequately lighted and ventilated to the outer air as above provided and that such water-closets are supplemental to the water-closet accommodations required by other provisions of this section for the occupants of said house. No water-closet fixture shall be encased with any woodwork.

No water-closet shall be placed in a cellar of a multiple dwelling except with written permit from the health officer. In two-family dwellings and in multiple dwellings of class A hereafter erected there shall be for each family a separate water-closet constructed and arranged as above provided and located with each apartment, suite, or group of rooms. In multiple dwellings of class B hereafter erected there shall be provided at least one water-closet for every 20 occupants or fraction thereof. Every water-closet compartment hereafter placed in any dwelling shall be provided with proper means of lighting the same at night. The provisions of this section regarding windows in water-closet compartments shall not apply to dwellings that have a system of forced ventilation as provided in section 25 of this act.

SEC. 33. Sewer connection.—No multiple dwelling shall hereafter be erected unless there is accessible city water and a public sewer, or a private sewer connected directly with a public sewer. No cesspool or similar means of sewage disposal shall be used in connection with any dwelling where connection with a public sewer is practicable.

SEC. 34. Plumbing.—In every dwelling hereafter erected no plumbing fixture shall be encased, but the space underneath shall be left entirely open. Plumbing pipes shall be exposed, when so required by the health officer. All plumbing work shall be sanitary in every particular and, except as otherwise specified in this act, shall be in accordance with the plumbing regulations of said city. All fixtures shall be trapped. Pan, plunger, and long hopper closets will not be permitted. Wooden sinks will not be permitted.

* * * * *

ALTERATIONS.

SEC. 47. Enlargement of dwellings.—No dwelling shall hereafter be enlarged or its lot diminished, or other building placed on the lot, so that the rear yard or side yard shall be less in size than the minimum sizes prescribed in sections 18 and 14 of this act for dwellings hereafter erected.

SEC. 48. *New courts in existing dwellings.*—An inner court hereafter constructed in a dwelling erected prior to the passage of this act, if extending only through one or two stories, shall be not less than 6 feet by 8 feet in size; and if it extends through more than two stories, shall be not less than 8 feet by 10 feet in size. All inner courts shall be opened to the sky, without skylight, of roof of any kind.

SEC. 49. *Additional rooms and halls.*—Any additional room or hall that is hereafter constructed or created in a dwelling shall comply in all respects with the provisions of this act with reference to dwellings hereafter erected, except that it may be of the same height as the other rooms of the same story of the dwelling.

SEC. 50. *Rooms and halls, lighting and ventilation of.*—No dwelling shall be so altered or its lot diminished that any room or public hall or stairs shall have its light or ventilation diminished in any way not approved by the health officer.

SEC. 51. *Roof stairs.*—No stairs leading to the roof in any multiple dwelling shall be removed or be replaced with a ladder.

SEC. 52. *Bulkheads.*—Every bulkhead hereafter constructed in a multiple dwelling shall be constructed of fire-resistive material or covered with metal.

SEC. 53. *Stairways.*—No public hall or stairs in a multiple dwelling shall be reduced in width so as to be less than the minimum width prescribed in sections 37 and 40 of this act.

SEC. 54. *Dumb-waiters and elevators.*—All dumb-waiters and elevators hereafter constructed in multiple dwellings shall be in inclosures constructed of fire-resistive material with fire-resistive doors at all openings at each story, including the cellar. In the case of dumb-waiter shafts such doors shall be self-closing; and such shafts shall be completely separated from the stairs by walls of approved fire-resistive material inclosing the same.

This section does not apply to dumb-waiter shafts or elevator shafts which are already in existence, but only to those which may be installed after the act takes effect.

SEC. 55. *Water-closet accommodations.*—Any water-closet hereafter placed in a dwelling, except one provided to replace a defective or insanitary fixture in the same location, shall comply with the provisions of sections 25, 32, and 34 of this act relative to water-closets in dwellings hereafter erected.

SEC. 56. *Height.*—No dwelling shall be increased in height so that it exceeds one and one-half times the width of the widest street on which it abuts nor in any case exceeds 100 feet.

SEC. 57. *Other alterations.*—Except as specified above, no dwelling shall be so altered nor shall its lot be so diminished, nor shall any building be so placed on the same lot, as to cause the dwelling to be in violation of the requirements of this act for dwellings hereafter erected; nor shall any room, public hall, or stairs have its light or ventilation diminished in any way not approved by the health officer.

SEC. 58. *Skylights.*—All new skylights hereafter placed in a multiple dwelling shall be provided with ventilators having a minimum opening of 40 square inches and also with either fixed or movable louvres or with movable sashes, and shall be of such size as may be determined to be practicable by the health officer.

SEC. 59. *Alcoves and alcove rooms.*—No part of any room in a dwelling shall hereafter be inclosed or subdivided for separate occupancy wholly or in part by a fixed partition, unless such part of a room so inclosed or subdivided shall contain a window as required by sections 19, 20, and 24 of this act and have a floor area of not less than 80 square feet.

MAINTENANCE.

SEC. 60. *Public halls, lighting at night.*—In every multiple dwelling a proper light shall be kept burning by the owner of the public hallways near the stairs upon each floor every night from sunset to sunrise throughout the year if so required by the health officer.

SEC. 61. *Water-closets in cellars.*—No water-closet shall be maintained in the cellar of any dwelling without a permit in writing from the health officer, who shall have power to make rules and regulations governing the maintenance of such closets. Under no circumstances shall the general water-closet accommodations of any multiple dwelling be permitted in the cellar or basement thereof; this provision, however, shall not be construed so as to prohibit a general toilet room containing several water-closets, provided such water-closets are supplementary to those required by law.

SEC. 62. *Water-closet accommodations.*—In every dwelling existing prior to the passage of this act there shall be provided at least one water-closet for every two apartments, groups, or suites of rooms, or fraction thereof, except that in multiple dwellings of class B there shall be provided at least one water-closet for every 20 occupants or fraction thereof.

SEC. 63. *Basement and cellar rooms.*—No room in the cellar of any dwelling erected prior to the passage of this act shall be occupied for living purposes. And no room in the basement of any such dwelling shall be so occupied without a written permit from the health officer. No such room shall hereafter be occupied unless all the following conditions are complied with:

(1) Such room shall be at least 7 feet high in every part from the floor to the ceiling.

(2) The ceiling of such room shall be in every part at least 3 feet 6 inches above the surface of the street or ground outside of or adjoining the same.

(3) There shall be appurtenant to such room the use of a water-closet.

(4) At least one of the rooms of the apartment of which such room is an integral part shall have a window or windows opening directly to the street or yard, with an aggregate of at least 12 square feet in size clear of the sash frame, and which shall open readily for purposes of ventilation.

(5) The lowest floor shall be water proof and damp proof.

(6) Such room shall have sufficient light and ventilation, shall be well drained and dry, and shall be fit for human habitation.

SEC. 64. *Cellar walls and ceiling.*—The cellar walls and cellar ceilings of every multiple dwelling shall by the owner be thoroughly whitewashed or painted a light color and shall be so maintained by him when required by the health officer.

SEC. 65. *Water-closets and sinks.*—In all two-family dwellings and multiple dwellings the floor or other surface beneath and around water-closets and sinks shall be maintained in good order and repair and if of wood shall be kept well painted.

SEC. 66. *Repairs.*—Every dwelling and all the parts thereof shall be kept in good repair by the owner, and the roof shall be kept so as not to leak, and all rain water shall be so drained and conveyed therefrom as not to cause dampness in the walls or ceilings.

SEC. 67. *Water supply.*—Every dwelling not exempted in section 7 of this act shall have within the dwelling at least one proper sink with running water furnished in sufficient quantity at one or more places exclusive of the cellar. In two-family dwellings and multiple dwellings of class A there shall be at least one sink on every floor accessible to each family on the floor occupied by said family without passing through any other apartment. Where city water is not

available the owner shall provide proper and suitable tanks, pumps, or other appliances to receive and to distribute an adequate and sufficient supply of water at each floor in the said dwelling at all times of the year during all hours of the day and night. But a failure in the general supply of city water shall not be construed to be a failure on the part of such owner, provided proper and suitable appliances to receive and distribute such water have been provided in said dwelling.

SEC. 68. Catch basins.—In the case of dwellings where, because of lack of city water supply or sewers, sinks with running water are not provided inside the dwellings one or more catch basins or some other approved convenience for the disposal of waste water, if necessary, in the opinion of the health officer, shall be provided in the yard or court, level with the surface thereof and at a point easy of access to the occupants of such dwelling.

SEC. 69. Cleanliness of dwellings.—Every dwelling and every part thereof shall be kept clean and shall also be kept free from any accumulation of dirt, filth, rubbish, garbage, or other matter in or on the same, or in the yards, courts, passages, areas, or alleys connected with or belonging to the same. The owner of every dwelling and in the case of a private dwelling the occupant thereof, shall thoroughly cleanse or cause to be cleansed all the rooms, passages, stairs, floors, windows, doors, walls, ceilings, privies, water-closets, cesspools, drains, halls, cellars, roofs, and all other parts of the said dwelling, or part of the dwelling of which he is the owner or in case of a private dwelling the occupant, to the satisfaction of the health officer, shall keep the said parts of the said dwelling in a cleanly condition at all times.

SEC. 70. Walls of courts.—In multiple dwellings the walls of all courts, unless built of a light color brick or stone, shall be thoroughly whitewashed by the owner or shall be painted to a light color by him, and shall be so maintained. Such whitewash or paint shall be renewed whenever necessary, as may be required by the health officer.

SEC. 71. Walls and ceilings of rooms.—In all multiple dwellings erected prior to this act the health officer may require the walls and ceilings of every room that does not open directly on the street to be kalsomined or painted so as to furnish adequate lighting of such room and may require this to be renewed as often as may be necessary.

SEC. 72. Receptacles for garbage and rubbish.—The owner of every dwelling and in case of a private dwelling the occupant shall provide for said dwelling, keep clean and in place proper covered receptacles of nonabsorbent material for holding garbage, refuse, rubbish, and other waste matter. Garbage chutes are prohibited.

SEC. 73. Prohibited uses.—No horse, cow, calf, swine, sheep, goat, chickens, geese, or ducks shall be kept in any dwelling or part thereof. Nor shall any such animal be kept on the same lot or premises with a dwelling except under such conditions as may be prescribed by the health officer. No such animal, except a horse, shall under any circumstances be kept on the same lot or premises with a multiple dwelling.

No dwelling or the lot or premises thereof shall be used for the storage or handling of rags or junk.

SEC. 74. Combustible materials.—No dwelling nor any part thereof, nor of the lot upon which it is situated, shall be used as a place of storage, keeping or handling of any article dangerous or detrimental to life or health; nor of any combustible article except under such conditions as may be prescribed by the fire commissioner, or the proper official, under authority of a written permit issued by him.

SEC. 75. *Certain dangerous businesses.*—There shall be no transom, window or door opening into a public hall from any part of a multiple dwelling where paint, oil, gasoline, or drugs are stored or kept for the purpose of sale or otherwise. This provision shall not apply to hotels.

SEC. 76. *Janitor or housekeeper.*—In any multiple dwelling in which the owner thereof does not reside, there shall be a janitor, housekeeper, or other responsible person who shall have charge of the same, if the health officer shall so require.

SEC. 77. *Overcrowding.*—If any room in a dwelling is overcrowded the health officer may order the number of persons sleeping or living in said room to be so reduced that there shall not be less than 400 cubic feet of air to each adult and 200 cubic feet of air to each child under 12 years of age occupying such room.

SEC. 78. *Lodgers prohibited.*—The health officer may prohibit in any multiple dwelling the letting of lodgings therein by any of the tenants occupying such multiple dwelling, and may prescribe conditions under which lodgers or boarders may be taken in multiple dwellings. It shall be the duty of the owner in the case of multiple dwellings to see that the requirements of the health officer in this regard are at all times complied with, and a failure to comply on the part of any tenant, after due and proper notice from said owner or from the health officer, shall be deemed sufficient cause for the summary eviction of such tenant and the cancellation of his lease. The provisions of this section may be extended to private dwellings and two-family dwellings, as may be found necessary by the health officer.

SEC. 79. *Infected and uninhabitable dwellings to be vacated.*—Whenever it shall be certified by an inspector or officer of the health department that a dwelling is infected with contagious disease or that it is unfit for human habitation, or dangerous to life or health by reason of want of repair, or of defects in the drainage, plumbing, lighting, ventilation, or the construction of the same, or by reason of the existence on the premises of a nuisance likely to cause sickness among the occupants of said dwelling, the health officer may issue an order requiring all persons therein to show cause why they should not be required to vacate such house within a time to be set by him, for the reasons to be mentioned in said order. In case such order is not complied with within the time specified, the health officer may cause said dwelling to be vacated. The health officer, whenever he is satisfied that the danger from said dwelling has ceased to exist, or that it is fit for human habitation, may revoke said order or may extend the time within which to comply with the same.

SEC. 80. *Repairs to buildings, etc.*—Whenever any dwelling or any building, structure, excavation, business pursuit, matter, or thing, in or about a dwelling, or the lot on which it is situated, or the plumbing, sewerage, drainage, light, or ventilation thereof, is in the opinion of the health officer in a condition or in effect dangerous or detrimental to life or health, the health officer may after notice and failure to correct, declare that the same to the extent he may specify is a public nuisance, and may order the same to be removed, abated, suspended, altered or otherwise improved or purified as the order shall specify.

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SEC. 82. *Scuttles, bulkheads, ladders, and stairs.*—In all multiple dwellings where there are scuttles or bulkheads, they and all stairs or ladders leading thereto shall be easily accessible to all occupants of the building and shall be kept free from obstruction and ready for use at all times. No scuttle and no bulkhead door shall at any time be locked with a key, but either may be fastened on the inside by movable bolts or hooks.

IMPROVEMENTS.

SEC. 83. Rooms, lighting and ventilation of.—No room in a dwelling erected prior to the passage of this act shall hereafter be occupied for living purposes unless it shall have a window of an area of not less than 8 square feet opening directly upon the street, or upon a rear yard not less than 4 feet deep, or above the roof of an adjoining building, or upon a court or side yard of not less than 25 square feet in area open to the sky without roof or skylight, unless such room is located on the top floor and is adequately lighted and ventilated by a skylight, opening directly to the outer air; except that a room which can not be made to comply with the above provisions may be occupied if provided with a sash window of not less than 15 square feet in area, opening into an adjoining room in the same apartment group or suite of rooms, which latter room opens directly on the street or on a rear yard of the above dimensions. Said sash window shall be a vertically sliding pulley-hung sash not less than 3 feet by 5 feet between stop beads, both halves shall be made so as to readily open, and the lower half shall be glazed with translucent glass, and so far as possible it shall be in line with windows in the said outer-room opening on the street or rear yard so as to afford a maximum of light and ventilation.

SEC. 84. Public halls and stairs, lighting and ventilation of.—In all multiple dwellings erected prior to the passage of this act the public halls and stairs shall be provided with as much light and ventilation to the outer air as may be deemed practicable by the board of health who may order the cutting in of windows and skylights and such other improvements and alterations in said dwellings as in his judgment may be necessary and appropriate to accomplish this result. All new skylights hereafter placed in such dwellings shall be of such size as may be determined to be practicable by said board of health.

SEC. 85. Sinks and water-closets.—In all multiple dwellings erected prior to the passage of this act the woodwork incasing sinks, except sinks in butler's pantries and water-closets, shall be removed and the space underneath said fixtures shall be left open. The floor and wall surfaces beneath and around the said fixtures shall be put in good order and repair, and if of wood shall be kept well painted. Defective and insanitary water-closet fixtures shall be replaced by proper fixtures, as defined by this act.

SEC. 86. Privy vaults, range closets and water-closets.—Whenever a connection with a sewer is possible, all privy vaults, range closets, cess pools or other similar receptacles used to receive fecal matter, urine or sewage, shall before July 1, 1920, with their contents, be completely removed and the place where they were located properly disinfected under the direction of the health officer. Such appliances shall be replaced by individual water-closets of durable non-absorbent material, properly sewer connected, and with individual traps and properly connected flush tanks providing an ample flush of water to thoroughly cleanse the bowl. Each such water-closet shall be located inside the dwelling or other building in connection with which it is to be used in a compartment completely separated from every other water-closet, and such compartment shall contain a window of not less than 4 square feet in area opening directly to the street or rear yard or on a side yard or court of the minimum size prescribed in sections 14 and 15 of this act. Such water-closets shall be provided in such numbers as required by section 62 of this act. Such water-closets and all plumbing in connection therewith shall be sanitary in every respect, and, except as in this act otherwise provided, shall be in accordance with the local ordinances and regulations in relation to plumbing and drainage. Pan, plunger, and long hopper closets will not be permitted, except upon written permit of the health officer. No water-closet shall be placed out of doors.

SEC. 87. *Basement and cellars.*—The floor of the cellar or lowest floor of every dwelling shall be free from dampness, and when necessary in the judgment of the health officer, shall be concreted with not less than 2 inches of concrete of good quality and with a finished surface.

SEC. 88. *Shafts and courts.*—In every dwelling where there is a court or shaft of any kind, there shall be at the bottom of every such shaft and court a door giving sufficient access to such shaft or court to enable it to be properly cleaned out: *Provided*, That where there is already a window giving proper access it shall be deemed sufficient.

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REQUIREMENTS AND REMEDIES.

SEC. 92. *Permit to commence building.*—Before the construction or alteration of a dwelling, or the alteration or conversion of a building for use as a dwelling is commenced and before the construction or alteration of any building or structure on the same lot with a dwelling, the owner, or his agent or architect, shall submit to the board of health a detailed statement in writing, certified by the affidavit of the person making the same, of the specifications for such dwelling or building, upon blanks or forms to be furnished by such board of health, and also full and complete copies of the plans of such work. With such statement there shall be submitted a plat of the lot showing the dimensions of the same, the location of the proposed building and all other buildings on the lot. Such statement shall give in full the name and residence, by street and number, of the owner or owners of such dwelling or building and the purposes for which such dwelling or building will be used. If such construction, alteration, or conversion is proposed to be made by any other person than the owner of the land in fee, such statement shall contain the full name and residence, by street and number, not only of the owner of the land but of every person interested in such dwelling, either as owner, lessee, or in any representative capacity. Said affidavit shall allege that said specifications and plans are true and contain a correct description of such dwelling, building, structure, lot, and proposed work. The statements and affidavits herein provided for may be made by the owner, his agent or architect, or by the person who proposes to make the construction, alteration, or conversion or by the agent or architect of such person. No one, however, shall be recognized as the agent of the owner or of such person unless he shall file with said health officer a written instrument signed by such owner or person, as the case may be, designating him as such agent. Any intentional false oath in a material point in any such affidavit shall be deemed perjury. Such specifications, plans, and statements shall be filed in said health department and shall be deemed public records, but no such specifications, plans, or statements shall be removed from said health department. The health officer shall cause all such plans and specifications to be examined. If such plans and specifications conform to the provisions of this act they shall within five days be approved by the health officer or his duly authorized assistant, and a written certificate to that effect shall be issued by him in the person submitting the same. The health officer shall from time to time approve changes in any plans and specifications previously approved by him, provided the plans and specifications when so changed shall be in conformity with law. The construction, alteration, or conversion of such dwelling, building, or structure, or any part thereof, shall not be commenced until the filing of such specifications, plans, and statements and the approval thereof, as above provided. No permit shall be granted and no plan approved by the department of buildings, where such exists, for the

construction or alteration of a dwelling or for the alteration or conversion of any building for use as a dwelling until there has been filed in the office of the department of buildings a certificate of the health officer issued as above provided to the effect that such dwelling conforms to the provisions of this act. The construction, alteration, or conversion of such dwelling, building, or structure shall be in accordance with such approved specifications and plans. Any permit or approval which may be issued by the health officer, but under which no work has been done above the foundation walls within one year from the time of the issuance of such permit or approval, shall expire by limitation. The health officer or his duly authorized assistant shall have power to revoke or cancel any permit or approval in case of any failure or neglect to comply with any of the provisions of this act, or in case any false statement or representation is made in any specifications, plans, or statements submitted or filed for such permit or approval.

SEC. 93. *Certificate of compliance.*—No part of a building hereafter constructed as or altered into a dwelling shall be occupied in whole or in part for human habitation until the issuance of a certificate by the health officer that such part of said dwelling conforms to the requirements of this act relative to dwellings hereafter erected. Such certificate shall be issued within three days after written application therefor if said dwelling at the date of such application shall be entitled thereto.

SEC. 94. *Unlawful occupation.*—If any building hereafter constructed as, or altered into, a dwelling be occupied in whole or in part for human habitation in violation of the last section, during such unlawful occupation no rent shall be recoverable by the owner or lessee of such premises for said period, and no action or special proceeding shall be maintained therefor or for possession of said premises for nonpayment of said rent, and said premises shall be deemed unfit for human habitation and the health officer may cause them to be vacated accordingly.

SEC. 95. *Penalties for violations.*—Every person who shall violate or assist in the violation of any provision of this act shall be guilty of a misdemeanor punishable by a fine of not less than \$10 or more than \$100, and in default in payment thereof by imprisonment in the county jail for not more than 30 days. The owner of any dwelling, or of any building or structure upon the same lot with a dwelling or of the said lot, where any violation of this act, or a nuisance as herein defined, exists, who has been guilty of such violation or of creating or knowingly permitting the existence of such nuisance, and any person who shall violate or assist in violating any provision of this act, shall also jointly and severally for each such violation and each such nuisance be subject to a civil penalty of \$50 to be recovered for the use of the health department in civil action brought in the name of the municipality by the health officer. Such persons and also said premises shall also be liable in such case for all costs, expenses, and disbursements paid or incurred by the health department, by any of the officer [sic], agents, or employees thereof in the removal of any such nuisance or violation. Any person who having been served with a notice or order to remove any such nuisance or violation shall fail to proceed in good faith to comply with said notice or order within five days after such service, or shall continue to violate any provisions or requirements of this act in the respect named in said notice or order, shall also be subject to a civil penalty of \$50. For the recovery of any such penalties, costs, expenses, or disbursements an action may be brought in any court of competent civil jurisdiction. The existence of a nuisance in or upon such dwelling, structure on the same lot with a dwelling, or on such lot, which the owner thereof has created or permitted to exist, and any violation of this act as to such dwelling, structure, and lot of

which the owner has been guilty shall in such proceeding subject such dwelling, structure, and lot, respectively, to a penalty of \$50, which shall be a lien thereon until paid; and any violation of an order made or a notice given by the health officer permitted or committed by the owner of a dwelling, structure on the same lot with a dwelling, or such lot, shall in such proceeding subject the dwelling, structure, and lot, respectively, to a penalty of \$50, which penalty shall be a lien thereon until paid.

SEC. 96. Procedure.—Except as herein otherwise specified, the procedure for the prevention of violations of this act or for the vacation of premises unlawfully occupied, or for other abatement of nuisance, or for the bringing of action therefor, shall be in accordance with the existing practice and procedure. In case any dwelling, building, or structure is constructed, altered, converted, or maintained in violation of any provision of this act or of any order or notice of the health officer, or in case a nuisance exists in any such dwelling, building, or structure or upon the lot on which it is situated, said health officer may institute any appropriate action or proceeding to prevent such unlawful construction, alteration, conversion, or maintenance, to restrain, correct, or abate such violation or nuisance, to prevent the occupation of said dwelling, building, or structure, or to prevent any illegal act, conduct, or business in or about such dwelling or lot. In any such action or proceeding said health officer may by petition duly verified, setting forth the facts, apply to the district, superior, or municipal court, or to any judge thereof in term time or vacation, for an order granting the relief for which said action or proceeding is brought, or for an order enjoining all persons from doing or permitting to be done any work in or about such dwelling, building, structure, or lot, or from occupying or using the same for any purpose until the entry of final judgment or order. In case any notice or order issued by said health officer is not complied with said health officer may apply to the district, superior, or municipal court or to any judge thereof in term time or vacation for an order authorizing him to execute and carry out the provisions of said notice or order, to correct any violation specified in said notice or order, or to abate any nuisance in or about such dwelling, building, or structure or the lot upon which it is situated. The court or any judge thereof is hereby authorized to make any order specified in this section.

SEC. 97. Tenant's responsibility.—If the occupant of a dwelling shall fail to comply with the provisions of this act after due and proper notice from the health officer, such failure to comply shall be deemed sufficient cause for the eviction of such tenant by the owner and the cancellation of his lease.

SEC. 98. Registry of agent's name.—Every owner, agent, or lessee of a dwelling may file in the health department a notice containing the name and address of an agent of such dwelling, for the purpose of receiving service of all notices required by this act, and also a description of the property by street number or otherwise, as the case may be, in such manner as will enable the health department easily to find the same. The name of the owner or lessee may be filed as agent for this purpose.

SEC. 99. Service of notices and orders.—Every notice or order required by this act shall be served at least 10 days before the time for doing the thing in relation to which it shall have been issued, unless otherwise herein provided. The posting of a copy of such notice or order in a conspicuous place in the dwelling, together with the mailing of a copy thereof on the same day that it is posted, to the owner and lessee of the dwelling affected thereby, and each person, if any, whose name has been filed with the health department in accordance with the provisions of section 98 of this act at his address as filed shall be sufficient service thereof.

SEC. 100. *Service of summons and subpoena.*—In any action brought by the health officer in relation to a dwelling for injunction, vacation of the premises or abatement of nuisance, or to establish a lien thereon or to recover a civil penalty, service of notices shall be served in the manner provided by law for the service of original notices: *Provided*, That if the address of any agent whose name and address have been filed in accordance with the provisions of section 99 of this act is in the country in which the dwelling is situated, then such notice may be served upon such agent.

SEC. 101. *Enforcement.*—The provisions of this act shall be enforced in each city by the health officer, except that the department of buildings, where such department exists in a city, shall enforce the provisions herein contained under the title "Fire protection" and the provisions contained in sections 89, 90, and 91 hereof.

SEC. 102. *Powers conferred.*—The powers conferred by this act upon the public officials heretofore in this act mentioned shall be in addition to the powers already conferred upon said officers and shall not be construed as in any way limiting their powers except as provided in section 8.

SEC. 103. *Inspection of dwellings.*—The health officer or such other appropriate public official as the mayor may designate shall cause an inspection to be made of every multiple dwelling at least once a year. Such inspection shall include thorough examination of all parts of such multiple dwelling and the premises connected therewith. The health officer or such other official so designated is also hereby empowered to make similar inspections of all dwellings as frequently as may be necessary, and shall make inspection at any time on complaint of the owner, tenant, or other person concerned.

SEC. 104. *Right of entry.*—The health officer and all inspectors, officers, and employees of the board of health and such other persons as may be authorized by the health officer may, without fee or hindrance, enter, examine, make necessary records and survey all premises, grounds, erections, structures, apartments, dwellings, buildings, and every part thereof in the city. The owner or his agent or representative and the lessee and occupant of every dwelling and every person having the care and management thereof shall at all reasonable times, when required by any such officers or persons, give them free access to such dwellings and premises. The owner of a dwelling and his agents and employees shall have right of access to such dwelling at reasonable times for the purpose of bringing about compliance with the provisions of this act or any order issued thereunder.

SEC. 105. *State board of health.*—The State board of health shall have power to aid as far as may be necessary to secure the enforcement of this act; and to that end said board may apply to any court or judge of competent jurisdiction for an injunction mandatory or prohibitive, and the county attorney or attorney general shall prosecute such action in the name of the State of Iowa. The county attorney may also prosecute an action in equity for injunction in the name of the State of Iowa upon the request of any local board of health where said act is being violated.

SEC. 106. *Mining camps.*—Before any person or persons shall be permitted to lay out or attempt to construct a mining camp wherein is contemplated the erection of more than five houses, the said person or persons shall first file with the State board of health a plat of the camp, showing in detail the geographical location of same, the character of houses to be erected, the provisions made for drainage, sewerage, outside toilets, and the provisions made to secure water. If after investigation, the said board of health is convinced that the camp, if built, will comply with the general provisions of this act so far

as the same may be reasonably applicable, and practicable under the circumstances, he shall within three weeks from the date of application, issue a written permit for the erection of same. Whenever the health conditions in any mining camp in the State are or become a menace to the health of the inhabitants thereof, such State board of health is hereby authorized to apply and enforce the provisions of this act in so far as the same may be reasonably applicable and practicable of enforcement in such camp.

SEC. 107. *Laws repealed.*—All statutes or parts thereof in conflict with the provisions of this act are hereby repealed. All charter provisions, regulations, and ordinances of cities are hereby superseded in so far as they do not impose requirements other than the minimum requirements of this act, and except in case of such higher local requirements, this act shall in all cases govern.

SEC. 108. *Right of appeal.*—From any order of the local board of health there lies the right of appeal to the State board of health, which latter board shall have the power to hear and determine such appeal, and enforce their orders in the manner hereinbefore provided.

Hotels—Sanitary Regulation. (Ch. 182, Act Apr. 8, 1919.)

SECTION 1. *Repeal and substitute.*—That the law as it appears in section 2514-*h*, supplement to the code, 1913, be and the same is hereby repealed and the following enacted in lieu thereof:

SEC. 2514-*h*. "*Hotel*" defined.—Every building or structure kept, used, advertised as, or held out to the public to be an inn, hotel, or public lodging house, or place where sleeping accommodations are furnished for hire to transient guests, whether with or without meals, shall for the purpose of this act be defined to be a hotel, and wherever the word "hotel" shall occur in this act, it shall be construed to mean and cover every such building or structure as is described in this section.

SEC. 2. *Repeal and substitute.*—The law as it appears in section 2514-*m*, supplement to the code, 1913, be, and the same is hereby, repealed and the following enacted in lieu thereof:

SEC. 2514-*m1*. *Sanitary requirements.*—Every hotel located or situated in a city or town having a system of sewerage shall be thoroughly drained, constructed, and plumbed according to approved sanitary principles; all hotels shall be kept and maintained in a clean and sanitary condition and free from any effluvia, gas, or offensive odors arising from any sewer, drain, privy, or any other source whatsoever within the control of the owner, manager, agent, or person in charge thereof. Hotels in cities or towns not provided with a sewerage system shall be provided with an approved cesspool or with privies or water-closets properly screened from flies and separated for the use of males and females, which cesspools, privies, and water-closets shall be properly cleaned and disinfected as often as necessary to keep and maintain them in an approved sanitary condition. In hotels which maintain locked sanitary toilets accessible to guests said hotel shall furnish to all guests slugs for admittance to toilets, said slugs to be furnished without expense to the guests.

SEC. 2514-*m2*. *Ventilation.*—Every hotel in this State shall be properly ventilated. Such proper ventilation shall be construed to mean that no room shall be used for sleeping purposes which does not have a window or ventilated sky-

light opening to the outside of the building or court and that no room with floor more than 3 feet below level of the outside surface of the ground shall be used for sleeping purposes: *And provided also*, That every hotel hereafter constructed or any building remodeled to be used for hotel purposes shall have sufficient ventilation in the door or doorway or by such other equivalent improvement as may be later discovered, and at least one window opening to the outside of the building or court, which window or windows shall equal in area at least one-eighth of the floor area of such room, and where storm windows are used the same shall be so constructed that proper ventilation may be had by the guests if desired. Such storm sash shall be hung in such manner that same may be opened to insure safe and speedy exit in cases of fire.

SEC. 2514-m3. *Sheets, etc.; laundering; bedding; vermin.*—Each bed, bunk, cot, or other sleeping place provided for the use of guests shall be supplied with pillow slips and under sheets sufficiently large to cover the mattress, and top sheets, sheet to be made 96 inches long, and of sufficient width to completely cover the mattress and springs; said sheets and pillow slips to be made of white cotton or linen, and all such sheets and pillow slips, after being used by one guest, to be washed and ironed before they are used by any other guest, a clean set being furnished each succeeding guest. All bedding used in any hotel shall be thoroughly aired and kept clean: *Provided*, That all bedding, including mattresses, quilts, blankets, pillows, sheets, or comforts which are so worn or insanitary as to be unfit for use, shall be condemned by the inspecting officer and their further use forthwith prohibited. Any room in any hotel under this act which shall become infested with vermin or bedbugs shall be renovated until said vermin or bedbugs are exterminated.

SEC. 2514-m4. *Towels; toilet and guest rooms.*—The use of the roller or common towel in the toilet rooms or wash rooms of hotels is hereby prohibited. Individual towels shall be provided for the use of guests in guest rooms, so that no two or more guests will be required to use the same towel: *Provided*, That this shall not prohibit the use of individual sanitary paper towels in wash rooms.

SEC. 2514-m5. *Common drinking cup.*—The use of the common drinking cup in hotels or in hotel offices or toilet rooms and wash rooms of hotels is hereby prohibited.

SEC. 2514-m6. *Kitchens, refrigerators, etc.; sanitary condition; screens.*—In every hotel the kitchen, dining room, cellar, office, ice boxes, refrigerators, and all places where foods are prepared, kept, or stored, and cooking utensils, shall be kept clean and in a sanitary condition, and the use of soiled or insanitary tablecloths, napkins, or other tableware is hereby prohibited. Kitchens and dining rooms shall be screened from flies.

Hotels—Certain Provisions of Law not Applicable to. (Ch. 202, Act Apr. 10, 1919.)

SECTION 1. *Food-producing establishments, "hotel."*—That the law as it appears in section 2527-a of the supplement to the code, 1913, be, and the same is hereby, amended by striking out from the fourth line thereof the word "hotel."

SEC. 2. *Building interiors, finish of, "hotel."*—That the law as it appears in section 2527-c be, and the same is hereby, amended by striking from the second and third lines thereof the word "hotel" and by striking from the seventh line of said section 2527-c the word "hotel."

Dead Animals—Business of Disposing of Bodies of—License—Sanitary Regulation. (Ch. 248, Act Apr. 18, 1919.)

SECTION 1. Disposal of dead animals; business of; license; renewal.—That any person, firm, or corporation desiring to engage in the business of disposing of the bodies of dead animals by cooking, burying, burning, or feeding, or in any manner disposing of the same; and any person, firm, or corporation in such business and desiring to continue the same, shall procure from the commission of animal health of the State of Iowa a license so to do, which license shall be for a period of one year, and which license may be renewed annually as hereinafter provided.

SEC. 2. Applicant for license; certificate of State veterinarian; filing of, with commission of animal health.—No such license shall be issued to any person, firm, or corporation until the applicant for such license shall have filed with the commission of animal health a certificate signed by the State veterinarian of Iowa setting forth that such applicant is a responsible person, firm, or corporation; that the applicant has a suitable and sanitary place in which to dispose of the bodies of dead animals; that such place conforms to the rules and regulations established by the commission of animal health and that such applicant is entitled to a license.

SEC. 3. Application for license; procedure.—Any person, firm, or corporation desiring a license to engage in such business shall file with the State veterinarian of the State of Iowa, an application for such license. Such applicant shall at the time he files such application, pay to the commission of animal health the sum of \$25, which said sum shall be turned over and paid to the State treasurer. The State veterinarian shall at once, in person or by deputy, inspect the place where such applicant desires to conduct such business, and shall ascertain whether or not such applicant is a responsible and suitable person, firm, or corporation to be intrusted with a license to conduct such business. If the State veterinarian shall find that such applicant is a responsible and suitable person, firm, or corporation to conduct such business, and that the place where such business is to be conducted is a suitable and sanitary place in which to dispose of the bodies of dead animals, and that the same conforms to the rules and regulations made by the commission of animal health, he shall issue to such applicant a certificate to that effect. Such applicant shall file such certificate with the commission of animal health and shall pay through such commission to the State treasurer the sum of \$25 for a license to conduct such business. Upon the filing of such certificate and the payment of such fees the commission of animal health shall issue a license to such applicant. In case the State veterinarian shall find that the place where such applicant proposes to conduct such business, is not a suitable and sanitary place in which to carry on such business, he shall notify the applicant in what particulars such place fails to meet the requirements of this act and of the rules and regulations of the commission of animal health. Upon being notified by the applicant that the defects in such place have been remedied and that he believes that such place conforms to the requirements of this act and to said rules and regulations, the State veterinarian shall make a second inspection, as above provided; but the State veterinarian shall not be required to make more than two inspections of the same place under one application. In case such applicant is refused a license, no part of the fees paid by him shall be repaid to him, but the same shall belong to the general State fund. Every person, firm, or corporation, that shall be licensed under this act shall pay to the commission of animal health yearly for the renewal of such license the sum of \$25, which in turn shall be

paid by the commission of animal health to the treasurer of the State of Iowa and upon such payment, inspection, and approval of the commission of animal health the applicant shall have his former license renewed for a period of one year.

SEC. 4. Disposal of dead animals; sanitary building, etc.; cooking; burying; burning; time limit.—No place shall be deemed a suitable or sanitary place for disposing of the bodies of dead animals unless it conforms to the following specifications: A building adapted to the purposes intended, provided with concrete or cement floors and provided with good drainage and thoroughly sanitary, all to the approval of the State veterinarian. In case such bodies are to be disposed of by cooking, the cooking vats or tanks shall be air-tight, except proper escapes or vents for live steam used in cooking. Such steam shall be so disposed of as not to cause unnecessary annoyance and so as not to cause a nuisance. All skinning and dismembering of bodies shall be done within such building, so that no annoyance shall be caused by the unsightly appearance of such bodies. Such place shall be so situated, arranged, and conducted as not to interfere with the comfortable enjoyment of life and property of the citizens of this State. In case such bodies are disposed of by burying, they shall be buried to such a depth that no part of any such body shall be nearer than 4 feet to the natural surface of the ground, and every part of such body or carcass shall be covered with quicklime and by at least 4 feet of earth. In case such bodies are disposed of by burning, the place for such burning shall be so located, constructed, and arranged as to cause no annoyance to any of the citizens of this State by such burning, and so as not to essentially interfere with the comfortable enjoyment of life or property. All parts of such bodies not entirely consumed by such burning shall be disposed of by burying as above provided, or in such other manner as may be directed by the State veterinarian. All carcasses of animals dying from disease or accident shall be disposed of in the manner above provided within 24 hours after death.

SEC. 5. Rules and regulations; firms, etc., to conform.—The commission of animal health shall make such reasonable rules and regulations for the carrying on and conducting of such business as it may deem advisable, and all persons, firms, and corporations desiring to engage in such business or being in such business shall conform to and obey such rules and regulations.

SEC. 6. Place of conducting business; inspection of.—Before the commission of animal health shall issue to any person, firm, or corporation a certificate entitling him to a license under the provisions of this act the State veterinarian shall personally or by deputy inspect the place where such business is to be conducted, and shall see that such place conforms to the specifications provided for in section 4 of this act and to the rules and regulations of the commission of animal health.

SEC. 7. Inspection; suspension or revocation of license.—The State veterinarian, in person or by deputy, shall inspect each place licensed under this act at least once each year and as often as he deems necessary, and shall see that the licensee conducts the business in conformity to this act and to the rules and regulations made and established by the commission of animal health. For a failure or refusal to obey the provisions of this act or said rules and regulations by any licensee the commission of animal health shall suspend or revoke the license held by such licensee.

SEC. 8. Application blanks.—Proper blank applications for license and blank certificates of the State veterinarian shall be provided and furnished free to applicants by the secretary of the commission of animal health.

SEC. 9. License to engage in business.—No person, firm, or corporation shall engage in the business of disposing of the bodies of dead animals without first

obtaining a license so to do in the manner and upon the terms and conditions provided in this act.

SEC. 10. *Transporting carcasses.*—Any person, firm, or corporation holding a license under the provisions of this act may haul and transport the carcasses of hogs and other animals that have died from disease, except those prohibited by the commission of animal health, in a covered wagon bed or tank which is water-tight and is so constructed that no drippings or seepings from such carcasses or hogs can escape from such wagon bed or tank: *Provided, however,* Such wagon bed or tank shall be so constructed as to conform to the rules and regulations that may be established by the commission of animal health, and said carcasses shall not be moved from said wagon bed or tank except at the place of final disposal.

SEC. 11. *Obtaining carcasses by purchase, etc.; subject to provisions and penalties.*—Any person, firm, or corporation which shall obtain from any other person, firm, or corporation, by purchase or otherwise, the body of any animal for the purpose of obtaining the hide, skin, or grease from such dead animal in any way whatsoever, shall be deemed to have engaged in the business of disposing of the bodies of dead animals, and shall be subject to all the provisions and penalties of this act.

SEC. 12. *Carcasses; disposal by owner or licensed person; time limit.*—It shall be unlawful for any person caring for or owning live stock or swine that have died to allow the carcasses to lie about the fields, yards, pens, and hog houses. Such carcasses shall be disposed of within 24 hours from such death by cooking, burying, or burning as provided in section 4 of this act, or by disposing of them to a State licensed person, firm, or corporation authorized to render such carcasses under the rules and regulations of the commission of animal health.

SEC. 13. *Violations of provisions; misdemeanor; fine, etc.*—Any person, firm, or corporation which shall violate any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than \$50 nor more than \$500, to which may be added imprisonment in the county jail for a period of time not less than 10 days nor more than 90 days, or both.

KANSAS.

Influenza—Notification of Cases—Placarding—Isolation—Quarantine. (Reg. Bd. of H., Oct. 18, 1919.)

RULE 26A. Influenza.—(a) All cases must be reported to the health officer within 24 hours. If no physician is called, the head of the house must report.

(b) The house must be placarded.

(c) All members of the family, not engaged in imperative business, must remain on the premises.

(d) Wage earners may be exempted from quarantine, provided the patient is isolated in a room to himself, and the wage earner remain out of the sick room and have written permission from the health officer to come and go upon the premises.

(e) All patients afflicted with the disease must be strictly isolated, coming in contact with no one except the necessary nurse or attendant.

(f) No one is permitted to enter the premises except the attending physician and those who enter as nurses or nurses' attendants.

(g) Nurses or nurses' attendants before entrance must be furnished with instructions to prevent contracting the disease (which instructions may be received from attending physician or from the local health officer) and must be given permission to enter by attending physician.

(h) Quarantine of patients will be continued for five days after temperature has reached normal. Quarantine of contacts or exposed persons must continue for five days after date of last exposure.

(i) Fumigation of premises is unnecessary and impracticable. Families, however, are urged to see that every room has thorough sunning and airing.

Communicable Diseases—Control, Suppression, and Prevention in Certain Cities—Payment of Expenses Incurred. (Ch. 145, Act Mar. 11, 1919.)

SECTION 1. Whenever smallpox or other contagious or infectious diseases exist in a city of the second or third class the mayor and council or mayor and commissioners of such city and the county health officer and the county commissioner in the district in which is located such cities shall take such action as in their judgment may be necessary to control, suppress, and prevent the spreading of the same and to pay all the necessary expenses for such action and purposes.

SEC. 2. That a detailed, itemized, and verified account of all moneys so expended by the city shall be presented to the board of county commissioners of the county in which such city is located, and said board of county commissioners shall monthly audit claims therefor, and when it shall determine that the items of expense were incurred under the provisions of section 1 of this act, shall allow such claims and draw warrants on the county treasurer in favor of said city therefor, and it shall be the duty of the county treasurer of said county to pay the same out of any funds in the treasury not otherwise appropriated.

Venereal Diseases—Notification of Cases—Circular of Instructions to be Furnished Patient—Reports to State Board of Health of Sales by Druggists of Remedies—Infected Persons Prohibited from Being Served in Certain Places—Prohibited Occupations—Travel or Change of Residence by Infected Persons—Examination of Persons Suspected of Being Infected—Isolation—Quarantine—Additional Examination to Confirm Diagnosis—Suppression of Prostitution—Local Health Officers not to Issue Certificates of Freedom from Venereal Diseases—Records to be Confidential. (Reg. Bd. of H., June 26, 1919.)

That rule 2, part 1, of the rules and regulations for the control and intrastate transportation of communicable disease be amended to read as follows:

RULE 2. (a) In addition to the diseases named in rule 1, the following are hereby declared to be infectious, contagious, or communicable in their nature and are declared to be notifiable diseases dangerous to the public health:

GROUP II.

Syphilis, gonococcus infection, chancroid.

(b) Every person who knows or suspects that he or she may be infected with syphilis, gonococcus infection, or chancroid shall forthwith place himself or herself under the care and treatment of a legally qualified practitioner of medicine, or shall report to the local or State health officer for examination to determine whether or not such infection exists.

(c) Hereafter, each and every physician or other practitioner of the healing art practicing in the State of Kansas, or any other person who treats or examines any person suffering from or afflicted with syphilis, gonococcus infection, or chancroid in any of their stages or manifestations shall report, as hereinafter required, in writing to the State board of health the existence of such diseases: *Provided*, That in cities where ordinances have been adopted which require the reporting of syphilis, gonococcus infection, or other venereal disease to the local health officers or boards of health, said local health officers or boards of health shall within seven days after the receipt by them of the reports of cases of the diseases herein named, forward by mail to the State board of health the original written reports made by persons required to make such reports after first having transcribed the information given in the respective reports in a book or other form of record for the permanent files of the local health office. Said permanent record or file shall be a confidential record and open to public inspection only in so far as is necessary for the protection of the public health and the enforcement of the provisions of State laws, the regulations of the State board of health, and of local city ordinances.

(d) All such reports shall be made in writing within 48 hours after diagnosis on blank forms supplied or approved by the State board of health and shall give the number of the case, which number shall correspond with the serial number of the circular of instructions given to the patient; the name and address of the patient as hereinafter required; the type or stage of such disease; the source of infection; the color, the sex, the marital state, and the occupation of the person afflicted with the disease; and a statement as to whether or not the nature of the occupation or place of employment of the person afflicted with such disease makes him or her a menace to the health of any other person or persons: *Provided*, That whenever the physician making a report will assume full responsibility for such conduct of the person afflicted with any of these diseases as will prevent the transmission of infection to others, and ex-

cept in cities where local ordinances otherwise require, nothing in this paragraph shall be construed to require the reporting of the name and address of a person afflicted with syphilis, gonococcus infection, or chancroid as aforesaid, unless such person shall fail to report for treatment at the time appointed or for seven days thereafter. In the event that the person making a report is unwilling to assume such responsibility or shall know or suspect that a person having syphilis, gonococcus infection, or chancroid is conducting or about to conduct himself or herself in such manner as to expose other persons to such infection, he shall then report the name and address of such afflicted person, together with such other essential facts as may be required by the State board of health.

(e) Any person under treatment for venereal disease who may suspect an incorrect diagnosis or an undue prolongation of treatment or who may be threatened that his identity will be revealed if he discontinues treatment, may apply to the State board of health for information and advice.

(f) It shall be the duty of each and every physician or other practitioner of the healing art practicing in the State of Kansas, or any other person who visits, attends, advises professionally, prescribes for or renders medical or surgical assistance to, or is consulted for medical advice by any person having syphilis, gonococcus infection, or chancroid, as aforesaid, to at once give to such person a serially numbered circular of instructions furnished or approved by the State board of health, entitled "Instructions for preventing the transmission of gonorrhea (or syphilis and chancroid)" and to report such fact in writing in the report to be made of such cases.

(g) In any city where druggists are required by ordinance to report sales of venereal disease remedies to the local health officer, such local health officer shall transmit such reports to the State board of health after having made a record of the same in the same manner as reports of cases by physicians are recorded and transmitted.

That rule 34, part 2, of said rules and regulations be amended to read as follows:

RULE 34. Syphilis, gonococcus infection, or chancroid.—(a) *Public baths and barber shops.*—No person suffering from syphilis, gonococcus infection, or chancroid shall apply for service, be served or employed in a public bathroom or swimming pool in the State and no person suffering from syphilis in a communicable form shall apply for service or be served in any barber shop, nor shall any person suffering from syphilis in communicable form, gonococcus infection or chancroid be employed or permitted to perform any service in any barber shop.

(b) *Occupations forbidden to persons infected with syphilis, gonococcus infection, or chancroid.*—No person infected with syphilis in communicable form shall engage in the occupation of nurse, nurse-maid, domestic servant, barber, hairdresser, chiropodist, manicure, bath attendant, masseur, or any other occupation in which syphilitic infection may be transmitted to others. No person infected with syphilis in communicable form or gonococcus infection shall engage in any occupation which involves intimate contact with children. No person infected with syphilis in communicable form, gonococcus infection, or chancroid shall engage in any occupation which involves the preparation, handling, serving or dispensing by the infected person of foods, drugs, or beverages intended for the use of others.

That part 2 of said rules and regulations be further amended by adding rules 35 and 36, as follows:

RULE 35. Travel or change of residence by persons infected with syphilis, gonococcus infection, or chancroid prohibited unless authorized by health offi-

cers.—(a) No person infected with syphilis in communicable form, gonococcus infection, or chancroid shall enter the State of Kansas or take up residence within the State except upon a permit in writing issued by the secretary of the State board of health or his duly authorized representative. The permit shall state that, in the opinion of the issuing officer, the proposed travel or change of residence is not dangerous to the public health. Such permits granted to residents of other states shall be transmitted through the State or local health officer having jurisdiction at the place of residence, or when this is impracticable, copies shall be mailed to the said State or local health officer.

(b) No person infected with syphilis in communicable form, gonococcus infection, or chancroid shall travel from one health jurisdiction to another within the State, or from one community to another within the same health jurisdiction except upon a permit in writing granted by the local health officer under whose jurisdiction such person resides. The permit shall state that, in the opinion of the health officer, the proposed travel is not dangerous to public health.

(c) No person infected with syphilis in communicable form, gonococcus infection, or chancroid shall change residence from one health jurisdiction to another within the State or from one community to another within the same local health jurisdiction except upon a permit in writing from the local health officer of the jurisdiction from which such person proposes to move. An applicant for a permit to change residence from one health jurisdiction to another shall inform the health officer to whom application is made as to the intended place of residence, and shall agree in writing to report in person to the proper health officer within one week after arrival at the new place of residence.

It shall be the duty of the health officer who issues a permit for change of residence to another jurisdiction to promptly notify the health officer under whose jurisdiction the infected person proposes to enter, that such a permit has been issued. This notice shall contain the name and address of the infected person.

Upon receiving such notice any health officer shall ascertain and report the arrival of such infected person to the health officer who issued the permit for change of residence, and shall also notify the State board of health that such change of residence has taken place.

(d) Each application for a permit to travel or change residence must contain an agreement signed by the applicant to continue treatment under the direction of a legally licensed physician until permission to discontinue treatment has been received from the health officer. No health officer shall permit the discontinuance of treatment under such conditions until the infected person has become noninfectious according to the standards fixed by the State board of health.

RULE 36. Rules and regulations for the control and suppression of syphilis, gonococcus infection, and chancroid.—SECTION 1. Local county and city health officers throughout the State and deputy State health officers appointed for that purpose are hereby authorized and directed to use every available means to ascertain the existence of and immediately investigate all suspected cases of syphilis in communicable form, gonococcus infection, or chancroid within their respective jurisdictions, and to ascertain the source of such infections.

SEC. 2. In such investigations said local health officers, deputy State health officers, or their duly authorized representatives, are hereby vested with full powers of inspection, examination, isolation, and disinfection of all places, persons, and things, and as such inspectors said local health officers, deputy

State health officers, or their duly authorized representatives, are hereby authorized:

(a) To make examinations of all persons reasonably suspected of having syphilis in communicable form, gonococcus infection, or chancroid. Owing to the prevalence of such diseases among pimps and prostitutes, all such persons may be considered in the above class.

(b) To isolate such persons whenever in the opinion of said local health officer, deputy State health officer, the State board of health, or its secretary isolation is necessary to protect the public health. In establishing isolation the health officer shall define the place and the limits of the area in which the person reasonably suspected or known to have syphilis, gonococcus infection, or chancroid, and his or her attendant, are to be isolated, and no persons other than the attending physicians shall enter or leave the area of isolation without the permission of the health officer having jurisdiction: *Provided*, That women may be quarantined at the Kansas State Quarantine Hospital for Women at Lansing and men may be quarantined in the Kansas State Quarantine Camp for Men at Lansing: *Provided further*, That in any case where quarantine for venereal disease is contemplated or ordered after an examination or examinations by the health officer, the infected person may appeal to the local board of health in writing for another examination or examinations to confirm the diagnosis. The local board of health may require the person making such appeal to pay the cost thereof, and to deposit with the written appeal a sum not exceeding \$10 for that purpose. Upon receipt of such written appeal, accompanied by the required fee to cover the cost of such examination, the local board of health shall appoint another physician to consult with and assist the health officer in making such additional examination or examinations as may be necessary to reach an agreement as to diagnosis. Specimens for laboratory tests taken in the additional examination or examinations shall be sent to the State laboratory.

(c) In cases of quarantine or isolation not to terminate said quarantine or isolation until the cases have become noninfectious or until permission has been given by the health officer having jurisdiction: *Provided*, That power to release from quarantine at the Kansas State Quarantine Hospital for Women or the State Quarantine Camp for Men at Lansing shall be vested in a deputy State health officer to be designated by the secretary of the State board of health.

Cases of gonococcus infection are to be regarded as infectious until at least three successive smears taken not less than five days apart fail to show gonococci. Smears taken for examination for release shall not be taken for at least 48 hours following last local treatment nor immediately following urination.

Cases of syphilis are to be regarded as infectious until all lesions of skin or mucous membranes are completely healed.

(d) Inasmuch as prostitution is the most prolific source of syphilis, gonococcus infection, and chancroid, said local health officers and their duly authorized representatives are authorized and directed to use every proper means to aid in suppressing the same, and not to issue certificates of freedom from venereal disease, as such certificates may be used for the purpose of solicitation.

(e) Keep all records pertaining to said inspections and examinations in files not open to public inspection, and to make every reasonable effort consistent with the protection of the public health to keep secret the identity of those affected by venereal disease control measures.

That part 6 of said rules and regulations be amended by adding thereto rule 21, which shall read as follows:

RULE 21. No common carrier or owner, driver, or operator of a public or private conveyance shall bring into the State or receive for transportation from one point to another within the State any person infected with syphilis in communicable form, gonococcus infection, or chancroid, unless such person shall have a permit as required by the rules and regulations of the State board of health.

Venereal Diseases—Procedure to be Followed by Local Health Officers When Informed of the Existence of Cases. (Reg. Bd. of H., June 26, 1919.)

That the procedure outlined in the articles of instruction appended hereto be adopted as the official procedure to be followed by all local health officers of the State when information reaches them concerning the existence of a case of venereal disease, and that all local health officers be, and the same are hereby, directed to follow this procedure and investigate all information received concerning the existence of cases of venereal disease and take appropriate action in each case to protect the public health.

1. When a duly qualified physician reports a case of venereal disease by number and withholds the name of the patient, it is understood that the physician accepts responsibility for the conduct of the patient and the health officer should transmit the reports to the State board of health. Should information reach the health officer through channels other than the physician's report that the conduct of a patient whose case has been reported by number is such as to expose others to infection, it is the duty of the health officer to take appropriate action to protect the public health, even though such action should require the quarantine of such infected person.

2. When the names and addresses of persons infected with venereal disease are reported by physicians the procedure adopted should be such as will extend every proper courtesy to the physician making the report, duly respect the confidential nature of the information, and adequately protect the public health. Should the report be made direct to the local health officer, it is advisable to see the physician personally, if practicable, and get all the information possible as to the character of such infected person and the likelihood that the patient's conduct may be such as might spread the disease to others.

3. After a talk with the attending physician, if an interview with the patient is deemed necessary, a private interview should be sought at the earliest opportunity. The purpose of the interview should be disclosed to no one except the patient. The provisions of the State regulations and local ordinance, if any has been passed, should be carefully explained, so that the patient may fully appreciate the powers which the health officer may exercise under such regulations. It is probable that a plain talk of this kind, in which the patient is given to understand that he must follow instructions or he may be placed under quarantine by the health officer, will be sufficient to deter him from exposing others. If not, in order to protect the public health, it is the duty of the health officer to institute quarantine without delay.

4. When the persons whose names are reported are known to be prostitutes or pimps, or to be engaged in any way in commercialized vice, it may be assumed that such persons can not be trusted to protect others from exposure to infection, and it is the duty of the health officer to take immediate steps to quarantine them without waiting to interview either the physician or the patient. In all other cases where quarantine is instituted the health officer will wish to satisfy himself as to the accuracy of the diagnosis.

5. Before deciding to quarantine a person infected with venereal disease the health officer should study the facts in the case to determine the best method of

handling the individual case. It is not desired to place the expense of maintaining and treating such persons for considerable period upon the public unless such step is necessary to protect the public health. On the other hand, it is highly desirable that every person infected with venereal disease who is a menace to the public health while at liberty should be placed in quarantine.

6. The health officer should examine promptly and thoroughly by both clinical and laboratory methods all persons referred by peace officers as suspected of having venereal disease, and take appropriate action to protect the public health in all cases found to be infected.

7. An official inquiry concerning all persons reported by druggists as having purchased drugs for the treatment of venereal disease should be promptly made by the health officer or his representative, to determine if the reported person is conducting himself or herself in a manner prejudicial to the public health. Measures for the treatment or quarantine of such individuals should be conditioned upon the results of such inquiry. In no case should the health officer himself treat such persons for pay, as this will cause his motives to be suspected.

8. In many instances such persons may submit to an examination by the health officer or other physician under whose professional care they may choose to place themselves without the necessity for having them apprehended by peace officers. Such procedure is preferable where practicable, as it is less likely to attract attention and result in publicity.

9. When there is reason to believe that a person is a menace to the public health such person may be apprehended by a peace officer upon an order issued by a health officer. Such an order constitutes the authority of the peace officer for detaining the suspected person until the medical examination has been completed.

10. When a health officer orders persons placed in quarantine for venereal disease at the State quarantine hospital for women or in the State quarantine camp for men the actual transfer to the place of quarantine is made by a peace officer. A quarantine order issued by the health officer authorizes both transfer to place of quarantine and detention under quarantine till the patient may be released as noninfectious.

11. All reports of venereal disease are required to be confidential, and all administrative measures for the control of venereal diseases should be carried out with as little publicity as possible. Publicity may be most embarrassing to innocent members of the family.

12. Information concerning the presence of venereal disease may often reach the health officer through channels other than official. Private citizens or representatives of certain societies or civic organizations may report cases, and it is the duty of the health officer to carefully investigate all cases so reported. Should the investigation furnish evidence of infection that seems sufficient, the health officer should either persuade the suspected persons to submit to an examination or issue a "pick-up order" to be served by a peace officer. All cases should be dealt with in a manner that will best safeguard the public health.

13. When persons who have previously been quarantined for venereal disease become reinfected it is advisable to have them sent to Lansing under court sentence if the evidence will warrant such procedure, as the period of detention is apt to be longer under court sentence than under quarantine. It is the duty of all health officers to cooperate fully with the courts and with peace officers in the repression of prostitution, which is recognized as the most prolific source of venereal disease.

14. It is sometimes necessary to deal with young girls who are infected with venereal disease. These cases are usually such as need training in the girls'

industrial school at Beloit. Girls will not be admitted to this school while infected with venereal disease. It is deemed advisable to have such cases sentenced to Beloit by the judge of the probate court and sentence suspended during the period of quarantine at Lansing. The health officer will then issue a quarantine order and the patient will be taken to the farm at Lansing in the usual way. At the same time the superintendent of the farm should be notified that the girl is under sentence to Beloit, and the transfer to that institution may be made as soon as the patient becomes noninfectious.

Venereal Diseases—State Quarantine Camp for Men—Regulations Governing. (Reg. Bd. of H., June 26, 1919.)

That the following rules and regulations be adopted for the better control of the quarantine camp where men are quarantined for venereal disease:

(1) The camp physician (acting as deputy State health officer) is authorized and directed to prescribe proper treatment for the men under quarantine, such treatment to include suitable work in sufficient amount to maintain the physical well-being of the men so detained under quarantine.

(2) The authorities in charge of the camp are authorized to take the men into the penitentiary for their meals, for treatment, for baths and for such other comforts and conveniences as may be better supplied within its walls than within the confines of the camp outside the walls.

(3) The authorities in charge of the camp are also authorized to take such disciplinary measures as may be necessary to maintain order, secure obedience to the rules and regulations of the institution and to carry out the purposes for which quarantine is maintained.

Venereal Diseases—Employment in Schools of Persons Afflicted with, Prohibited. (Reg. Bd. of H., Oct. 18, 1919.)

RULE 27A. No person afflicted with a venereal disease (gonorrhea, syphilis, or chancroid) in an infectious stage shall be permitted to attend, teach, or be otherwise employed in any private, parochial, or public school.

State Board of Health—Officers and Employees—Appointment and Salaries. Hotel Commissioner—To Assist in Enforcement of Certain Orders of State Board of Health. (Ch. 284, Act May 10, 1919.)

SEC. 12. That section 4069, General Statutes of 1915, be amended to read as follows:

SEC. 4069. The secretary of the State board of health shall receive an annual salary of \$4,000 and shall hold no other office or position in any other department of State for which he may receive compensation. The State board of health is hereby authorized to appoint an assistant chief food and drug inspector who shall receive an annual salary of \$2,000; five food and drug inspectors each of whom shall receive an annual salary of not to exceed \$1,800; a bacteriologist who shall receive an annual salary of \$1,500; clerks and stenographers who shall receive in the aggregate not exceeding \$3,000 and not exceeding \$1,200 annually to any one. The annual salary of the epidemiologist shall be not to exceed \$3,300 and the annual salary of the stenographer for said epidemiologist shall be not to exceed \$900. The annual salary of the chief in the division of child hygiene shall not exceed \$2,500 and a clerk at an annual salary of \$1,200 and stenographers who shall receive in the aggregate not exceeding \$2,000 annually and not exceeding \$1,200 annually to any one. The State registrar in the division of vital statistics shall receive an annual

salary of not to exceed \$2,400; an assistant State registrar in the division of vital statistics shall receive an annual salary of not to exceed \$1,500; the statistical clerk shall receive an annual salary of \$1,200, and other clerks in said division who shall receive in the aggregate not to exceed \$2,700 annually and not to exceed \$1,200 annually to any one; and one stenographer in said division who shall receive an annual salary of \$1,200. The salaries in the division of vital statistics shall be paid from the fees remitted into the State treasury under the provisions of chapter 224, laws of 1913. State food and drug inspectors shall serve during the pleasure of the board and shall be appointed by the secretary of the State board of health upon recommendation of said board. They shall be allowed the actual necessary expenses incurred in the performance of their duties, which shall be such as are prescribed by the rules of the State board of health. The appointment of the inspectors herein provided shall be based upon a competitive examination of applications for the position of inspector, which examination shall be conducted by the general food and drug inspector and the food and drug analyst of the State board of health. The secretary of the board shall be the chief executive officer and shall direct the actions of the food and drug inspectors as such, and by reason of his office shall be chief food and drug inspector. He shall receive such necessary expenses as are incurred in the performance of his duties as secretary of the State board of health and chief food and drug inspector.

* * * * *

SEC. 34. That section 5082, General Statutes of the State of Kansas of 1915, be, and the same is hereby, amended to read as follows:

SEC. 5082. * * * He [the hotel commissioner] is hereby authorized and required to make such blank forms, rules, and regulations as are necessary to carry out the provisions of this act in accordance with its true intent and is to assist in the enforcement of any orders promulgated by the State board of health of this State relating to hotels and restaurants. * * *

* * * * *

Public Health Nursing Associations—Tax in Certain Cities Authorized for Purpose of Raising Fund for Maintenance of. (Ch. 136, Act Feb. 27, 1919.)

SECTION 1. That the mayor and city council or board of commissioners of the cities of the first and second class in the State of Kansas are hereby authorized and empowered to levy a tax not to exceed one-fifth of 1 mill on a dollar, as other city taxes are levied, for the purpose of raising a fund for the maintenance of any public-health nursing association which is or hereafter may be duly incorporated in any city of the first or second class.

SEC. 2. That said tax when collected shall be paid in to the city treasurer and credited to a special fund, which shall be known and designated as the public-health nursing association fund, and such money shall be expended and appropriated by the mayor and council or board of commissioners, as may be provided by city ordinance in such city: *Provided, however,* This section shall not apply to cities of the first class having a population in excess of 85,000.

Pupils—Free Annual Dental Inspection. (Ch. 263, Act Mar. 22, 1919.)

SECTION 1. That section 9099 of the General Statutes of 1915 be amended to read as follows:

SEC. 9099. That the boards of education of cities of the first and second class and school boards of school districts are hereby required to provide for

free dental inspection annually for all children, except those who hold a certificate from a legally qualified dentist showing that this examination has been made within three months last past, attending such schools.

SEC. 2. That section 9100 of the General Statutes of 1915 be amended to read as follows:

SEC. 9100. That said boards of education and district boards of each school shall provide a place of inspection and designate some competent, licensed dentist or dentists to make such inspection, and such boards of education and district boards may fix a compensation for such services, which sum may be paid out of the school fund of each school for the services rendered therein, and said boards of education for their respective cities and the county superintendent of public instruction for school districts are hereby authorized to make all necessary rules and regulations for the proper conduct of such inspection and carrying into effect all of section 1 of this act, and furnish all necessary forms and blanks for the reports of such inspection.

SEC. 3. That section 9101 of the General Statutes of 1915 be amended to read as follows:

SEC. 9101. That certificate of the result of such inspection, together with suggestions of requirements for the curing of any defects found, shall be made by the party making such inspection, in duplicate, one copy of same to be furnished to the child examined, the other to be filed with the clerk of the school board to which said child belongs: *Provided, however,* That no work other than the inspection and report shall be performed by examining dentist without the consent of the parents or guardian of the child.

SEC. 4. That sections 9099, 9100, and 9101 of the general statutes of 1915 be, and the same are hereby, repealed.

Tuberculin Test—Regulations—Duties of State Live Stock Sanitary Commissioner. (Ch. 225, Act Mar. 22, 1919.)

SECTION 1. That section 11100 of the General Statutes of Kansas for 1915 is amended to read as follows:

SEC. 11100. That the live stock sanitary commissioner, whenever he may deem it necessary, shall formulate and announce the rules under which the tuberculin test for tuberculosis in domestic animals shall be applied and for all proceedings subsequent to such application: (a) No tuberculin shall be used other than that furnished by the United States Government. (b) No person other than one indicated for that purpose by the live stock sanitary commissioner shall inject any tuberculin into any animal in this State. (c) All charts giving the temperatures and conditions existing at the time the animal was tested, accompanied by a history and description of the animal, shall be, immediately after the test is made, submitted to the State live stock sanitary commissioner, who shall thereupon render his opinion thereon, which decision shall be final and shall be recorded in his office. (d) That the State live stock sanitary commissioner shall at once apply the quarantine and other regulations issued by him under the provisions of this act to animals found infected with tuberculosis.

SEC. 2. That section 11100 of the general statutes of 1915 is hereby repealed.

Dairy Herds—Cities May Require Examination and Test for Tuberculosis. (Ch. 226, Act Mar. 7, 1919.)

SECTION 1. That section 11102 of the General Statutes of Kansas for 1915 is amended to read as follows:

SEC. 11102. That the mayor and council or board of commissioners of any city of this State shall have the power by ordinance duly enacted to require

the owner or owners or other persons operating dairy herds or selling or offering for sale any milk or its products within such city, to first subject the cow from which such milk or its product is derived to the examination and test for tuberculosis under the direction of and in accordance with rules prescribed by the live stock sanitary commissioner.

SEC. 2. That original section 11102 of the General Statutes of Kansas for 1915 is repealed.

Public Eating and Drinking Utensils—Sterilization. (Reg. Bd. of H., Oct. 18, 1919.)

That all glasses, cups, spoons, forks, knives, or other utensils used in serving food or drink to the public that come in contact with the lips or mouth shall be sterilized and adequately protected from contamination before each service.

Provided, In lieu of sterilization, utensils which are destroyed after service to one individual may be used.

Water Supplies—Exclusion from, of Salt Water or Water Containing Minerals in Appreciable Quantities. (Ch. 233, Act Feb. 27, 1919.)

SECTION 1. If any well or other excavation be put down to or through any vein or strata containing salt water or water containing any minerals in appreciable quantities, it shall be the duty of the owner or operator, driller, or person putting down such well or excavation to case or plug such well or excavation in such manner as to exclude all salt water or water containing minerals in appreciable quantities from both upper and lower veins or strata holding water suitable for domestic purposes.

SEC. 2. All persons, companies, or corporations, private or municipal, owning or controlling a supply of water for domestic purposes, injured or threatened with injury by a violation of the provisions of section 1 of this act, shall be entitled to a remedy by injunction, mandatory or prohibitive, in any court of competent jurisdiction against any person, company, or corporation causing or threatening to cause such injury.

SEC. 3. Any violation of section 1 of this act shall be a misdemeanor, punishable by fine of not more than \$1,000. Prosecutions under this act must be begun within six months after the commission of the offense.

Common Drinking Cups—Prohibited in Public Places. (Reg. Bd. of H., Oct. 18, 1919.)

That the use of the common drinking cup on railroad trains, in railroad stations, in the public and private schools and the State educational institutions of the State of Kansas, in hotels, restaurants, mercantile establishments, manufacturing establishments, theaters, picture shows, dance halls, or any other public place, is hereby prohibited.

Common Towels—Prohibited in Public Places. (Reg. Bd. of H., Oct. 18, 1919.)

No person or corporation shall place, furnish, or keep in place in any hotel, restaurant, mercantile establishment, manufacturing establishment, theater, dance hall, railway train, railway station, public or private school, or any other public place any towel for the common public use, and no person or corporation in charge or control of any such place shall permit in such place the use of the common towel.

The term "common towel" as used herein shall be construed to mean roller towels or towels intended or available for common use by more than one person without being laundered after such use.

Sewage Disposal Plants—Special Tax for Maintenance and Operation of, in Cities Under 50,000. (Ch. 111, Act Mar. 19, 1919.)

SECTION 1. That all cities of less than 50,000 in the State of Kansas be, and are hereby, authorized to levy a tax, in addition to all other taxes allowed by law, not exceeding one-half mill on the dollar, upon all taxable property in such cities, to be collected as other taxes and used for the purpose of maintaining and operating sewage-disposal plants. Such levy shall not prevent the use of other funds available for the same purpose.

Garbage—Collection and Disposal of, in Second-Class Cities. (Ch. 141, Act Mar. 13, 1919.)

SECTION 1. That section 1823, General Statutes of 1915, be, and the same is hereby, amended to read as follows:

SEC. 1823. That the mayor and council or mayor and commissioners of the second-class cities in this State are hereby authorized and empowered * * * to contract for the hauling away and disposition of the garbage of the city and its inhabitants and to require that all such garbage shall be hauled away and disposed of as required by ordinance. The expense * * * of the hauling and disposing of such garbage may be paid by assessment or other charge upon the inhabitants of the city whose garbage is hauled or disposed of, or the mayor and council or mayor and commissioners of such city may levy a tax upon all of the taxable property in said city, in addition to the taxes now authorized, of not exceeding one-half mill, to pay the expenses of * * * the hauling and disposition of such garbage * * *.

SEC. 2. Section 1823, General Statutes of 1915, is hereby repealed.

Stillbirth—Definition. Birth and Death Certificates—How Written. (Reg. Bd. of H., June 26, 1919.)

REG. 23.—*Premature stillbirths.*—For purposes of reporting and issuing of certificates of birth and of death, the term "stillbirth" should be applicable to any delivery of a dead infant or foetus, the development of which indicates that it has passed the twenty-eighth week of uterogestation. Certificates for such births and deaths shall be issued as instructed in regulation 6.

REG. 24. *Certificates to be written in ink.*—Certificates of death shall be written plainly in black ink, unless written on typewriter. These certificates are a permanent record. The local registrar shall not issue a burial permit until a legible and satisfactory certificate of death, properly written in ink or on typewriter, is presented.

Certificates of birth shall likewise be legibly written in black ink or on typewriter.

Mental Defectives—Marriage of. (Ch. 230, Act Mar. 22, 1919.)

SECTION 1. That section 6155 of the General Statutes of 1915 of the State of Kansas be and the same is hereby amended so as to read as follows:

SEC. 6155. No woman under the age of 45 years, or man of any age, except he marry a woman over the age of 45 years, either of whom is epileptic, imbecile, feeble-minded, or afflicted with insanity, shall hereafter intermarry or marry any other person within this State. It shall be unlawful for any person to marry any such feeble-minded, imbecile, or epileptic person, or anyone afflicted with

Insanity. Children born after a parent was insane shall not marry except under the above-named conditions, unless the parent or parents of such children shall have been discharged from the State hospital for insane, or any other legally constituted institution for the treatment of the insane, more than nine months before the birth of the child as cured and remained cured for a period of 20 years after such discharge.

SEC. 2. That section 6157 of the General Statutes of Kansas for 1915 be, and the same is hereby, amended so as to read as follows:

SEC. 6157. No officer authorized by law to issue marriage licenses in this State shall hereafter issue such a license to any persons either of whom is afflicted with any of the diseases mentioned in section 1 of this act, knowing them to be so afflicted, unless the female party to such marriage is over the age of 45 years, but said officer shall in all cases ask of the party applying for a marriage license and require him to make answer thereto in writing under oath the following question: Have you or has the person you are expecting to marry ever been afflicted with epilepsy, imbecility, feeble-mindedness, or insanity?

SEC. 3. That said original sections 6155 and 6157 of the General Statutes of Kansas for 1915 be, and the same are hereby, repealed.

**Maternity Hospitals or Homes and Homes for Infants or Children—
Licenses—Regulation—Inspection. (Ch. 210, Act Mar. 22, 1919.)**

SECTION 1. That on and after July 1, 1919, it shall be unlawful for any person, firm, corporation, or association to conduct or maintain a maternity hospital or home, or boarding, receiving, or detention home for infants under 3 years of age or for children under 16 years of age as herein defined, without having in full force a written license thereof from the State board of health: *Provided*, That nothing in this act shall apply to any State institution maintained and operated by the State.

SEC. 2. The term "maternity hospital" or "home" as used in this act shall mean a house or other place maintained or conducted by anyone who advertises himself or who holds himself out as having or conducting such a home or place as a maternity hospital or home; or a house or any other place in which any person receives, cares for, or treats one or more women during pregnancy, or at or after delivery, except women related to him by blood or marriage: *Provided, however*, That nothing in this act shall apply to a regular hospital other than a maternity hospital, and that nothing herein shall be construed to prevent a nurse from practicing her profession in the care of a patient in the home of a patient.

SEC. 3. The term "boarding home for infants or children" as used in this act shall mean a house or other place conducted or maintained by anyone who advertises or holds himself out as conducting such a place as a boarding house or home for infants or children; or who has in his control or custody one or more infants under 3 years of age or children under 16 years of age unattended by parent or guardians for the purpose of providing such children with food or lodging, or both, except children related to him by blood or marriage, or legal adoption; or any children's home, orphanage, day nursery, or other institution; or association, organization, or individual engaged in receiving, caring for, or finding homes for orphans or dependent or neglected children; or any receiving or detention home provided or maintained by, or receiving aid from, any city or county or the State.

SEC. 4. The State board of health shall have the power to grant license to a person, firm, corporation, or association to maintain a maternity hospital or home or a home for infants under 3 years of age or children under 16 years of

age. The license shall state the name of the licensee, describe the particular premises in or at which the business shall be carried on, whether it shall receive and care for women or infants or children, and the number of women or infants or children that may be treated, maintained, boarded, or cared for at any one time. No greater number of women or infants or children than is authorized in the license shall be kept or disposed of in a building or place not designated in the license [sic]. The license shall be kept posted in a conspicuous place in the hospital or house in which the business is conducted. No license shall be granted for a term exceeding one year; and the State board of health shall grant no license in any case until careful inspection of the maternity hospital or home for infants or children shall have been made according to the terms of this act, and until such maternity hospital or home or home for infants or children has complied with all the requirements of this act. When the State board of health shall find upon investigation that any of the provisions of this act are being violated, or such maternity hospital or home or home for infants or children is maintained without due regard to the health, comfort, or morality of the inmates, it shall, after reasonable notice, revoke such license, and shall note such revocation upon the face of the record and shall give notice in writing of such revocation to the licensee in person or by registered mail.

SEC. 5. The fee for license to conduct a maternity hospital or home for infants or children shall be \$2, except that for a hospital or home which contains provision for five or more inmates the fee shall be \$5, which shall be paid to the State board of health before the license is issued, and the secretary of the State board of health shall on or before the 10th day of each month pay into the State treasury all such fees collected for license during the preceding month.

SEC. 6. The State board of health shall serve written notice to the State board of administration and to the probate judge and to the city and county boards of health in every city and county in which a maternity hospital or home or home for infants or children is located, of the issuance of a license to conduct such hospital or home, or the revocation of such license; and the State board of administration, the probate judge or other officer or any person shall not place or cause to be placed any maternity patient or infant under 3 years of age or child under 16 years of age in any maternity hospital or home, or home for infants or children not having in full force a written license from the State board of health.

SEC. 7. The licensee of a maternity hospital or home shall keep a record upon forms prescribed and provided by the State board of health, wherein shall be entered the true name of every patient, together with her place of residence during the year preceding admission to the hospital or home; the name and address of the physician or midwife who attends each birth taking place in such hospital or home; and the licensee of a home for infants or children shall keep a record upon forms prescribed and provided by the State board of health, wherein shall be entered the name and age of each child received and cared for in such home; the name of the physician who attended any sick children therein, together with the names and addresses of the parents or guardians of such children; and such other information as the State board of health may require. The licensee of a maternity hospital or home or home for infants or children shall apply to and shall receive gratuitously from the State board of health forms for such records as may be required, which forms shall contain a copy of this act.

SEC. 8. Any maternity hospital or home for infants or children coming under the provisions of this act shall be properly heated, plumbed, lighted, and ventilated, and shall be conducted in every department with strict regard

to the health, comfort and safety of the inmates. In all cities, towns, and villages where there is a system of waterworks and sewerage maintained for public use, every maternity hospital or home or home for infants or children shall be equipped with suitable toilets, lavatories, bathtubs, sinks, and drains, shall be connected by proper plumbing with such water and sewerage systems, and shall be kept at all times in a cleanly and sanitary condition. In all cities, towns or villages not having a system of waterworks or sewerage for public use, every maternity hospital or home or home for infants or children shall have properly constructed privies or overvaults to receive night soil, the same to be ventilated, screened, disinfected, kept free from foul odor, all times in a cleanly and sanitary condition [sic]. Every maternity hospital or home or home for infants or children shall furnish or cause to be furnished for the use of each inmate and employee individual towel, washcloth, comb, and individual drinking cup or sanitary bubbling fountain, and toothbrushes for all other than infants, and shall keep or require such articles to be kept at all times in a cleanly and sanitary condition. Every maternity hospital or home or home for infants or children shall be provided with one fire extinguisher of a style and size approved by the State fire marshal; and every maternity hospital or home or home for infants or children which is more than one story high and containing and offering accommodations for, at any one time, 10 or more maternity patients, or 10 or more infants or children, shall be provided with a suitable fire escape constructed of iron or steel, approved by the State fire marshal. The State board of health is hereby authorized and empowered to make further sanitary regulations as may be found necessary to protect the lives and the health of inmates or employees in a maternity hospital or home or home for infants or children.

SEC. 9. No personal [sic] firm, corporation, or association shall offer to adopt, find a home for, or in any manner offer to dispose of any child as an inducement to a woman to come to his or its place during pregnancy, or at, or after delivery; or shall offer such as an inducement to any parent, guardian, or custodian of an infant or child to place such infant or child in his or its home, institution, or establishment.

SEC. 10. It shall be unlawful for any maternity hospital or home to accept other than maternity patients, and it shall be unlawful for any home for infants or children to receive or care for any aged or indigent adult; or insane or feeble-minded person, or a tuberculous or syphilitic person, or a person afflicted with any dangerous communicable disease, or anyone under the surveillance of the police power of the State or of any county or city in the State; and the presence of such person in the maternity hospital or home or home for infants or children shall be cause for a refusal of the license and shall work the revocation of a license in force.

SEC. 11. No person conducting a maternity hospital or home shall receive or care for infants over 3 years of age.

SEC. 12. It is hereby made the duty of the division of child hygiene of the State board of health to inspect or cause to be inspected at least once every six months every maternity hospital or home or home for infants or children; and for that purpose it shall have the right of entry and access thereto in every department and to every place in the premises; and shall call for and examine the records which are required to be kept by the provisions of this act, and shall make and preserve a record of every inspection. The licenses shall give all reasonable information to the authorized agent of the State board of health and shall afford every reasonable facility for viewing the premises and seeing the patients therein: *Provided*, That no patient without her consent shall be

required to be interviewed by any agent unless the agent shall be a woman or a licensed physician.

SEC. 13. Whenever the authorized agent of the State board of health shall find a maternity hospital or home or home for infants or children is not being conducted according to law, it shall be the duty of such agent to notify the licensee in writing of such changes or alterations as the agent shall deem necessary in order to comply with the requirements of the law, and the agent shall file a copy of such notice with the State board of health. It shall thereupon be the duty of the licensee to make such changes or alterations as are contained in the written notice within five days from the receipt of such notice.

SEC. 14. Any person, firm, corporation, or association who shall violate the provisions of any section of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$5 nor more than \$50. And each and every day that he or it shall fail or refuse so to comply shall be deemed a separate offense under the provision of this act. If for 30 days after any final conviction for such violation or revocation of license he or it shall still fail or refuse so to comply with the orders in the above notice upon five days' notice from the State board of health the building or premises where such home is conducted may be closed until all provisions of this act shall have been complied with.

SEC. 15. The county attorney of each county in this State is hereby authorized and required, upon complaint of any authorized agent of the State board of health, to file complaint and prosecute to the final determination all actions or proceedings against any person under the provisions of this act.

**Weeds and Obnoxious Growths of Vegetation—Cutting and Destruction—
Board of Commissioners in First-Class Cities May Provide for and Require.
(Ch. 124, Act Mar. 19, 1919.)**

SECTION 1. That section 1526, General Statutes of Kansas for 1915, be, and the same is hereby, amended to read as follows:

SEC. 1526. To provide for and require the cutting and destruction of all weeds and obnoxious growths of vegetation on lots and pieces of land and in the streets and alleys in front of and abutting upon any lot or piece of land * * * in such cities of the first class; and to declare same a nuisance and in event of the failure of the owners, occupants, or persons in charge of such lots or pieces of land, to provide for the cutting and destruction of such weeds and obnoxious vegetable growth * * * by the city, and to provide a suitable means for assessing the entire cost thereof to the abutting lots and pieces of land.

SEC. 2. That original section 1526, General Statutes of Kansas for 1915, be and the same is hereby, repealed.

KENTUCKY.

Communicable Diseases—Notification of Cases—Incubation Periods—Cultures in Suspected Diphtheria Cases—Free Antitoxin or Vaccine—Samples of Blood to be Taken in Suspected Typhoid or Paratyphoid Fever Cases—Isolation—Quarantine—Hospitalization—Removal of Infected Persons or Contaminated Articles—Interference with Health Officials Prohibited—Disinfection and Disposal of Discharges—Precautions by Physicians and Attendants—Distribution of Circulars of Information and Copies of Regulations—Placarding—Prevention of Spread in Institutions—Isolation Wards in Institutions for Children—Exposure of Infected Persons—Needless Exposure to Communicable Diseases Prohibited—Attendance at Schools or Gatherings—Hospitalization, Isolation, Quarantine, and Vaccination in Smallpox Cases—Food Handling Regulated—Carriers—Procedure in Tuberculosis Cases—Cleaning, Renovation, and Disinfection—Destruction of Certain Contaminated Articles—Occupation of Rooms Previously Occupied by Infected Persons—Duties of Common Carriers During Epidemics—Duties of Undertakers—Funerals. (Reg. Bd. of H., May 12, 1919.)

RULE 4. Communicable and reportable diseases designated.—For the purpose of these rules the term communicable disease shall be held to include the following diseases, which are hereby declared to be communicable through the conveyance of infective organisms. The communicable diseases, for convenience of administration, are divided into two groups:

A.

Chicken pox or other eruptive disease
in vaccinated persons.
Cholera, Asiatic.
Diphtheria or membranous croup.
Dysentery, amebic and bacillary.
Epidemic cerebrospinal meningitis.
Influenza.
Epidemic or streptococcic, septic sore
throat.
German measles.
Measles.
Suppurative conjunctivitis, or ophthal-
mia neonatorum of the new born.
Paratyphoid fever or other fever con-
tinued seven days.

Pellagra.
Plague.
Pneumonia :
 (a) Acute lobar.
 (b) Bronchial or lobular.
Poliomyelitis or infantile paralysis.
Puerperal septicemia.
Rabies.
Scarlet fever or scarlatina.
Smallpox.
Trachoma.
Tuberculosis.
Typhoid fever.
Typhus fever.
Whooping cough.

B.

Syphilis.
Gonorrhea.

Chancroid.

RULE 5. Maximum period of incubation.—For the purpose of this rule, the maximum period of incubation—that is, between the date of the exposure to disease and the date of its development—of the following communicable diseases is hereby declared to be as follows:

Chicken pox -----	21	Scarlet fever or scarlatina -----	7
Measles -----	14	Smallpox -----	20
Mumps -----	21	Whooping cough -----	14
Poliomyelitis or infantile paralysis. 14			

RULE 6. Minimum period of isolation.—The minimum period of isolation within the meaning of these rules shall be as follows:

Chicken pox, until 12 days after the appearance of the eruption and until the crusts have fallen and the scars are completely healed.

Diphtheria, membranous croup, until two successive negative cultures have been obtained from the nose and throat at intervals of not less than 24 hours, the first of such cultures being taken not less than nine days from the day of the onset of the disease.

Epidemic cerebrospinal meningitis, until two weeks after the temperature has become normal or until three successive cultures, obtained from the nasopharynx at intervals of not less than five days, shall be found free of meningococci.

Measles, until at least five days after the appearance of the rash.

Mumps, until two weeks after the appearance of the disease and one week after the disappearance of the swelling.

Poliomyelitis, acute anterior or infantile paralysis, until three weeks from the day of the onset of the disease.

Scarlet fever, until 30 days after the development of the disease and until all discharges from the nose, ears, and throat, or suppurating glands have ceased.

Smallpox, until 14 days after the development of the disease and until scabs have all separated and the scars completely healed.

Typhoid or paratyphoid fever, if the patient's occupation involves the handling of milk, dairy products, or other food, until all signs of the disease, or all secondary or complicating infections incited by the agents of these diseases, have disappeared, and until two successive specimens of the intestinal discharges of the patient have been taken at an interval of not less than seven days and have been examined in State health laboratories or another laboratory approved by the State board of health and found to be free from typhoid or paratyphoid bacilli.

Whooping cough, until eight weeks after the development of the disease or until one week after the last characteristic cough.

RULE 7. Communicable disease to be reported by physicians and heads of families; penalties.—Any physician who treats or examines a sick person in any county in Kentucky and who makes a diagnosis of, or has reasonable grounds for suspecting the existence of, any one of the diseases named in rule 4 shall report the same to the county or city health officer within whose jurisdiction the case occurs, and where a physician is not called the head of the family shall make said report, and any head of a family who willfully fails or refuses, or any physician who shall fail or refuse to report to the local board of health any case of any of the above-named diseases shall be fined not less than \$10 nor more than \$100 for each day he neglects or refuses to report, and repeated failure to report as herein provided, including reports of births and deaths, shall be sufficient cause for the revocation of a physician's certificate to practice medicine in this Commonwealth.

RULE 8. *Facts to be reported; free postage.*—The report of the existence of any of the diseases named in the preceding rule shall be sent in writing on blank cards not requiring postage to the local county or city board of health by mail, or in emergency may be telephoned, but in all such cases shall be confirmed by mail. Each such report for each case shall include the following facts: Date, name of disease, patient's name, address, age, sex, color, school and teacher, if any, place of employment, name and address of physician or other person making the report.

RULE 9. *Eye diseases in the new born; imperative duties of physicians, midwives, and nurses.*—Whenever a person is known or is suspected to be afflicted with a reportable and notifiable disease, or whenever the eyes of an infant under 2 weeks of age become reddened, inflamed, or swollen, or contain an unnatural discharge, and no physician is in attendance, an immediate report of the existence of the case shall be made to the local health officer by the midwife, nurse, attendant, or other person in charge of the child [sic].

RULE 10. *Teachers to report suspected cases in schools; blanks to be furnished.*—Teachers or other persons employed in or in charge of public or private schools shall report immediately to the local health officer each and every known or suspected case of a notifiable disease in persons attending or employed in their respective school: *Provided*, The local health officer shall furnish such teacher or other person with blanks for mailing which shall not require the expenditure of money for postage.

RULE 11. *State board of health to furnish blanks; county and city health officers to report weekly, including measures of prevention adopted.*—The written reports of the cases of notifiable and reportable diseases required by the statutes and these rules and regulations of physicians shall be made upon blanks supplied for the purpose, through the local health authorities, by the State board of health. These blanks shall conform in general to those adopted and approved by the State and Territorial health authorities in conference with the United States Public Health Service. Each county or city health officer shall mail to the State board of health in an addressed envelope, which shall be furnished him for the purpose, all original reports received by him at the close of business on each and every Saturday, and at the proper place on each said report he shall note what measures were taken to prevent the spread or occurrence of additional cases. Each violation of these rules which becomes known to the health officer of any city or county shall be brought to the attention of the county or district attorney having jurisdiction, with the request to prosecute the same.

RULE 12. *Reporting cases of communicable disease in institutions.*—It shall be the duty of the superintendent or person in charge of every hospital, other institution, or dispensary to report to the local health officer within whose jurisdiction any such hospital, other institution, or dispensary is located the full name, age, and address of every person under his charge affected with a communicable disease, together with the name of the disease and the name and address of the person or organization in whose care the case was immediately prior to admission or by whom the case was referred, within 24 hours from the time when the case first develops or is first admitted to such hospital, other institution, or dispensary. Such report shall be by telephone or telegram, when practicable, and shall also be made in writing.

RULE 13. *Reporting cases of disease presumably communicable in schools.*—When no physician is in attendance, it shall be the duty of every teacher to report forthwith to the principal or person in charge of the school all facts relating to the illness and physical condition of any child in such school who

appears to be affected with a disease presumably communicable. It shall be the duty of the principal or person in charge of any school to report forthwith to the local health officer all facts relating to the illness and physical condition of any child attending such school who appears to be affected with any disease presumably communicable, together with the name, age, and address of such child. Such child shall be at once sent home/or isolated.

RULE 14. *Reporting cases of disease presumably communicable in private households, hotels, boarding and lodging houses.*—When no physician is in attendance, it shall be the duty of the head of a private household or the proprietor or keeper of any hotel, boarding house, or lodging house to report forthwith to the local health officer all facts relating to the illness and physical condition of any person in any private household, hotel, boarding house, or lodging house under his charge who appears to be affected with any disease presumably communicable, together with the name of such person.

RULE 15. *Reporting cases of disease presumably communicable by nurses and persons in charge of camps or health resorts.*—It shall be the duty of every visiting nurse and public health nurse and of the person in charge of any health resort or labor or other camp having knowledge of any person affected with any disease presumably communicable, who by reason of the danger to others seems to require the attention of the public health authorities, to report at once to the local health officer within whose jurisdiction such case occurs all facts relating to the illness and physical condition of such affected person.

RULE 16. *Reporting cases of disease presumably communicable on vessels.*—It shall be the duty of the master or person in charge of any vessel lying within the jurisdiction of the State to report or cause to be reported immediately in writing to the local health officer having jurisdiction at such ports or landings all facts relating to the illness and physical condition of any person in or on such vessel affected with any disease presumably communicable, together with the name of such affected person.

RULE 17. *Reporting cases of communicable disease on dairy farms by physicians.*—When a case of Asiatic cholera, diphtheria, amebic or bacillary dysentery, epidemic cerebrospinal meningitis, epidemic or septic sore throat, paratyphoid fever, poliomyelitis (acute anterior), scarlet fever, smallpox, or typhoid fever exists on any farm or dairy producing milk, cream, butter, or other dairy products for sale, it shall be the duty of the physician in attendance to report immediately to the local health officer the existence on such farm or dairy of such case.

It shall be the duty of the health officer to report immediately to the State board of health, by telephone or telegram, the existence on such farm or dairy of such case, together with all facts as to the isolation of such case, and giving the names of the localities to which such dairy products are delivered.

RULE 18. *Reporting cases of disease presumably communicable on dairy farms by owner or person in charge.*—When no physician is in attendance, it shall be the duty of the owner or person in charge of any farm or dairy producing milk, cream, butter, cheese, or other food products likely to be consumed raw, to report forthwith to the local health officer the name and address and all facts relating to the illness and physical condition of any person who is affected with any disease presumably communicable, and who is employed or resides on or in such farm or dairy or comes in contact in any way therewith or with its products.

RULE 19. *Diphtheria; material for cultures to be submitted.*—In every case of illness which there is reason to suspect is diphtheria it shall be the duty of the attending physician or, if the local health authorities so require, of the health officer promptly to take material for cultures from the throat of the

suspected person and submit the same for examination to a State, county, or municipal bacteriological laboratory, or to a laboratory approved by the State board of health.

RULE 20. *How to obtain free antitoxins and vaccines.*—Whenever any legally registered physician practicing in any county or city shall certify to the local health officer having jurisdiction that any indigent person or any other person in whom disease endangers the public health in, or residing within its jurisdiction is suffering from any contagious and infectious disease which requires antitoxin or vaccine for its treatment such as diphtheria, or has been exposed thereto or is in imminent danger of contracting it, thereby endangering the health and lives of the people of county or city, the health officer shall, with the approval of the county judge or mayor, provide and furnish such person or persons with diphtheria or other antitoxin or vaccine at the expense of the county or city in such amount as may be deemed necessary by the health officer.

RULE 21. *Typhoid or paratyphoid fever; samples of blood to be submitted.*—In every case of illness which there is reason to suspect may be typhoid or paratyphoid fever it shall be the duty of the attending physician to take a sample of the blood of the suspected person and submit the same for an agglutination test to a State, county, or municipal bacteriological laboratory or to a laboratory approved by the State board of health.

RULE 22. *Isolation of persons affected with communicable diseases.*—It shall be the duty of every physician, immediately upon discovering a case of communicable disease, to secure such isolation of the patient, or to take such other action as is required by the special rules and regulations which from time to time may be issued by the local health authorities or by the State board of health.

RULE 23. *Adults not to be quarantined in certain cases.*—When a person affected with a communicable disease is properly isolated on the premises, except in cases of smallpox, adult members of the family or household who do not come in contact with the patient or with his secretions or excretions, with the approval of the health officer, may continue their usual vocations, provided such vocations do not bring them in close contact with children nor require that they shall handle food or food products intended for sale.

RULE 24. *Removal of cases of communicable disease.*—After isolation by the local health officer, no person, without permission from him, shall carry, remove, or cause or permit to be carried or removed from any room, building, or vessel any person affected with diphtheria, scarlet fever, smallpox, or typhus fever.

Without permission from the local health officer, no person shall carry, remove, or cause or permit to be carried or removed from or to any hotel, boarding house, lodging house, or other dwelling any person affected with chicken pox, diphtheria, epidemic cerebrospinal meningitis, epidemic or septic sore throat, measles, mumps, poliomyelitis or infantile paralysis, scarlet fever, smallpox, typhus fever, or influenza or whooping cough.

Without permission from the local health officer, no master of any vessel or other person shall remove or aid in removing, or permit the removal, from any such vessel to the shore of any person affected with any communicable disease.

RULE 25. *Removal of articles contaminated with infective material.*—Without instruction from the health officer no person shall carry, remove, or cause or permit to be carried or removed from any room, building, or vessel any article which has been subject to contamination with infective material through contact with any person or with the secretions of any persons affected with Asiatic cholera, diphtheria, scarlet fever, smallpox, typhoid fever, influenza,

pneumonia, or typhus fever until such article has been disinfected according to the special rules and regulations of the State board of health.

Without permission of the local health officer no master of any vessel or other person shall remove or aid in removing, or permit the removal, from any such vessel to the shore of any article which has been subject to contamination with infective material through contact with any person or with the secretions of any person affected with Asiatic cholera, diphtheria, scarlet fever, smallpox, typhoid fever, or typhus fever.

RULE 26. *Right of entrance and inspection.*—No person shall interfere with or obstruct the entrance to any house, building, or vessel by any Inspector or officer of the State or local health authorities in the discharge of his official duties, nor shall any person interfere with or obstruct the inspection or examination of any occupant of any such house, building, or vessel by any inspector or officer of the State or local health authorities, in the discharge of his official duties.

RULE 27. *Instructions as to disinfection of excreta in Asiatic cholera, dysentery, paratyphoid fever, and typhoid fever.*—It shall be the duty of the physician in attendance on any case suspected by him to be Asiatic cholera, dysentery, paratyphoid fever, or typhoid fever, to give detailed instructions to the nurse or other person in attendance, in regard to the disinfection and disposal of the excreta. Such instructions shall be given on the first visit, and shall conform to the special rules and regulations of the State board of health. It shall be the duty of the nurse or person in attendance to carry out the disinfection in detail until its discontinuance is permitted by the local health officer.

RULE 28. *Instructions as to disinfection of discharges in diphtheria, epidemic cerebrospinal meningitis, epidemic or septic sore throat, measles, poliomyelitis or infantile paratyphoid, scarlet fever, smallpox, whooping cough, influenza, and pneumonia.*—It shall be the duty of the physician in attendance on any case suspected by him to be diphtheria, epidemic cerebrospinal meningitis, epidemic or septic sore throat, measles, poliomyelitis or infantile paratyphoid, scarlet fever, smallpox, whooping cough, influenza, and pneumonia, to give detailed instructions to the nurse or other person in attendance in regard to the disinfection and disposal of the discharges from the nose, mouth, and ears of the patient. Such instructions shall be given on the first visit and shall conform to the special rules and regulations of the State board of health. It shall be the duty of the nurse or person in attendance to carry out the disinfection in detail until its discontinuance is permitted by the local health officer.

RULE 29. *Precautions to be observed by physicians and attendants.*—The physician or nurse or other necessary attendant upon a case of diphtheria, measles, or scarlet fever in and after attendance upon the case, shall in their discretion wear robes and take all precautions and practice measures of cleansing or disinfection of his or her person or garments to prevent the conveyance to others of infective material from the patient.

RULE 30. *Distribution of circulars.*—It shall be the duty of every health officer, as soon as a case of diphtheria, epidemic cerebrospinal meningitis, epidemic or septic sore throat, measles, poliomyelitis or infantile paratyphoid, scarlet fever, smallpox, typhoid fever, typhus fever, influenza, pneumonia, or whooping cough is reported to him, or as soon thereafter as possible, to give every family or individual living in the house or building in which such case is the circulars of information and copies of any rules and regulations, printed in a language understood by such individual, concerning such diseases, which may be issued by the State board of health or the local health authorities. The health officer shall also notify every family or individual living in the house of the existence of such disease.

RULE 31. Posting placards.—When a case of diphtheria, epidemic cerebrospinal meningitis, measles, poliomyelitis or infantile paralysis, scarlet fever, smallpox, whooping cough, or typhus fever exists in any house, or apartment, or room, it shall be the duty of the health officer to post upon such house, or apartment, or room, or rooms, in which such case is isolated, near the entrance thereof, a placard stating the existence therein of a communicable disease.

RULE 32. Interference with placards.—No person shall interfere with or obstruct the posting of any placard by any health authority in or on any place or premises, nor shall any person conceal, mutilate, or tear down any such placard, except by permission of the health authority.

In the event of such placard being concealed, mutilated, or torn down, it shall be the duty of the occupant of the premises concerned immediately to notify the local health officer.

RULE 33. Preventing the spread of communicable diseases in institutions.—It shall be the duty of the superintendent or person in charge of any hospital, or other institution, or dispensary in which there is a person affected with any communicable disease to take such steps as will, so far as practicable, prevent the spread of infection and trace its original source.

RULE 34. Isolation wards required for institutions for children.—Every institution for children, in which 20 or more children sleep, shall be provided with at least one isolation ward, or room or apartment or tent, so related to the rest of the building as to make proper isolation therein practicable.

RULE 35. Exposure of persons affected with communicable disease.—No person shall permit any child, minor, or other person under his charge, affected with diphtheria, measles, poliomyelitis (acute anterior) or infantile paralysis, scarlet fever, smallpox, typhus fever, influenza, or pneumonia to associate with others than his attendants.

No person affected with any of said diseases shall expose himself in such manner as to cause or contribute to, promote or render liable, their spread.

RULE 36. Needless exposure to communicable disease forbidden.—No person shall expose or permit the visiting, association, or contact of any child, minor, or other person under his charge with any person affected with influenza, pneumonia, diphtheria, measles, scarlet fever, smallpox, typhus fever, whooping cough, syphilis, gonorrhea, or chancroid in the infective stages, or with discharges of any kind from the person of a patient affected with any of said diseases.

No person shall needlessly expose himself, or visit, or associate, or come in personal contact with, a case of any of said diseases, or the discharges therefrom, or in any manner cause or contribute to, promote or render liable, the spread thereof.

RULE 37. Exclusion from school of cases of disease presumably communicable.—It shall be the duty of the principal or other person in charge of any public, private, or Sunday school to exclude therefrom any child or other person affected with a disease presumably communicable until such child or other person shall have presented a certificate issued by the health officer or medical inspector, or by the attending physician and countersigned by the health officer or by the medical inspector, stating that such child or other person is not liable to convey infective material.

RULE 38. Exclusion from schools and gatherings of cases of certain communicable diseases.—No person affected with chicken pox, diphtheria, epidemic cerebrospinal meningitis, influenza, epidemic or septic sore throat, German measles, measles, mumps, poliomyelitis or infantile paralysis, scarlet fever, smallpox, trachoma, or whooping cough shall attend or be permitted to attend any public, private, or Sunday school, or any public or private gathering. Such

exclusion shall be for such time and under such conditions as may be prescribed by the local authorities not inconsistent with the provisions of the rules and regulations of the State board of health.

RULE 39. *Exclusion from schools and gatherings of children of households where certain communicable diseases exist.*—Every child who is an inmate of a household in which there is or has been within 15 days a case of influenza, chicken pox, diphtheria, epidemic cerebrospinal meningitis, German measles, measles, mumps, poliomyelitis or infantile paralysis, scarlet fever, smallpox, or whooping cough shall be excluded from every public, private, or Sunday school and from every public or private gathering of children for such time and under such conditions as may be prescribed by the local health authorities, not inconsistent with the provisions of this code or the special rules and regulations of the State board of health.

RULE 40. *Precautions to be observed in chicken pox, German measles, mumps, and whooping cough.*—No person affected with chicken pox, German measles, mumps, or whooping cough shall be permitted to come in contact with or to visit any child who has not had such disease or any child in attendance at school.

RULE 41. *Isolation or removal in smallpox.*—It shall be the duty of every health officer, in his discretion, whenever a case of smallpox occurs in his jurisdiction, if a suitable isolation hospital is available, to remove or cause to be removed such case promptly thereto. Every inmate of the household where such case occurs and every person who has had contact with such case or with his secretions or excretions shall be either vaccinated within three days of his first exposure to the disease or placed under quarantine, and when vaccinated, the name and address of such inmate or other person shall be taken and such inmate or other person shall be kept under daily observation. Such observation shall continue until successful vaccination results, or for at least 20 days. If such inmate or other person refuse to be vaccinated, he shall be quarantined until discharged by the local health officer.

If there is no isolation hospital available, the patient shall be isolated and every inmate of the household shall be vaccinated or strictly quarantined until discharged by the local health officer.

Whenever a case of smallpox occurs in his jurisdiction, it shall be the duty of the local health officer to use all diligence in securing the names and addresses of all persons who have had contact with such case, and in causing such persons to be either vaccinated or placed under quarantine.

RULE 42. *Provision for free vaccination.*—It shall be the duty of the board of health of every county or municipality to provide, at public expense, free vaccination for all indigent persons in need of the same.

RULE 43. *Removal to hospital or isolation and restriction of visiting in certain cases.*—It shall be the duty of the health officer to remove, or cause to be removed, every case of diphtheria, measles, scarlet fever, or poliomyelitis (acute anterior) [or] infantile paralysis promptly to a suitable hospital, or to see that such case is properly isolated. Such isolation shall be maintained until its discontinuance is permitted by the health officer. No person, except the physician and the nurse or other person in attendance, shall be permitted to come in contact with or to visit a case of diphtheria, measles, scarlet fever, or poliomyelitis (acute anterior) or infantile paralysis, except by permission of the health officer.

RULE 44. *Quarantine in certain emergencies.*—When any case of diphtheria, epidemic cerebrospinal meningitis, measles, scarlet fever, smallpox, poliomyelitis (acute anterior) or infantile paralysis, or typhus fever is not or can not

be properly isolated on the premises and can not be removed to a suitable isolation hospital, it shall be the duty of the local health officer to forbid any member of the household from leaving the premises, except under such conditions as provided by these rules.

RULE 45. *Handling of food forbidden in certain cases.*—No person affected with any communicable disease shall handle food or food products intended for sale which are likely to be consumed raw or liable to convey infective material.

No person who resides, boards, or lodges in a household where he comes in contact with any person affected with bacillary dysentery, diphtheria, epidemic or septic sore throat, measles, scarlet fever, poliomyelitis (acute anterior) or infantile paralysis, or typhoid fever shall handle food or food products intended for sale.

No waiter, waitress, cook, or other employee of a boarding house, hotel, restaurant, or other place where food is served who is affected with any communicable disease shall prepare, serve, or handle food for others in any manner whatsoever.

RULE 46. *Carriers of disease germs.*—Any person who is a carrier of the disease germs of Asiatic cholera, bacillary dysentery, diphtheria, epidemic cerebrospinal meningitis, poliomyelitis or infantile paralysis, or typhoid fever, shall be subject to the special rules and regulations of the State board of health.

RULE 47. *Duties of physicians and other persons concerning tuberculosis.*—It shall be the duty of every physician or other person required to perform any duty under any section of the Kentucky statutes, providing for the reporting and control of cases of tuberculosis, to take all steps incumbent on him and necessary to carry into effect the provisions of the said law.

RULE 48. *Duties of health officer on receiving report of apparent case of tuberculosis.*—Upon receiving a report in writing of an apparent case of tuberculosis, as authorized by the public health law, the health officer shall thereupon take the following steps:

1. If the alleged case has been previously reported to him by a physician as having tuberculosis and the latter has elected to assume the sanitary supervision thereof as permitted in the public health law, the health officer shall ascertain promptly whether such physician is maintaining proper sanitary supervision.

2. If the alleged case has not been previously reported to him as having tuberculosis, the health officer shall, in conjunction with the reporting or family physician, if any, take proper measures to determine whether there is reason to believe such person is affected with pulmonary tuberculosis and if by suitable physical or sputum examination, or both, he ascertains that the person is affected with pulmonary tuberculosis he shall then proceed in accordance with the provisions of the public health law and the rules of the State board of health.

3. It shall be the duty of every health officer, if he ascertains that a physician has failed to report a case of communicable disease, to inform the physician of his failure to conform with the law, and to report to the State board of health the name of every physician failing to report cases of communicable diseases.

RULE 49. *Cleansing, renovation, and disinfection required.*—Adequate cleansing of rooms, furniture, and belongings, when deemed necessary by the local health officer, or required by law, shall immediately follow the recovery, death, or removal of a person affected with a communicable disease. Such cleansing shall be performed by and at the expense of the occupant of said premises, upon the order and under the direction of the local health officer or his assistants.

RULE 50. *Methods and precautions in cleansing, renovation, and disinfection.*—The following methods and precautions shall be observed in cleansing, renovation, and disinfection:

(a) *Cleansing* shall be secured by the thorough removal of dust and other contaminating material in such a way as to prevent the entry thereof, as far as may be possible, into other rooms or dwellings; washing with soap and water; scouring; airing; and exposure to sunlight; in accordance with the special rules and regulations of the State board of health.

(b) *Renovation* shall be secured by removing old paper from walls and ceilings and repainting, recalcimining, or repapering of walls, ceilings, and wood-work as may be ordered by the local health officer in accordance with the special rules and regulations of the State board of health.

(c) *Disinfection* of rooms shall be secured by the use of such disinfecting agents in such quantities and in such manner and of such sterilizing procedures as may be ordered by the local health officer, in accordance with the special rules and regulations of the State board of health. When gaseous disinfectants are to be used, all cracks, crevices, and openings into the room shall first be pasted over with paper. Thereafter all rugs, carpets, upholstered furniture, and such textile fabrics in the said room as can not, in the opinion of the local health officer, be washed or soaked in a disinfecting solution, may be removed for disinfection by steam when ordered by the local health officer, in accordance with the special rules and regulations of the State board of health. Thorough cleansing, the use of soap and water, and full exposure to fresh air and sunlight for a few days are most efficient means of removing infective material, not only from the walls and floors of rooms, but also from furniture and other articles.

RULE 51. *Destruction of furniture, clothing, and other articles.*—Furniture, bedding, clothing, carpets, rugs, and other articles, which may have been contaminated with infective material from any case of diphtheria, scarlet fever, or smallpox, and which are of such a nature or in such condition that they can not, in the opinion of the local health officer, be properly cleansed, disinfected, or sterilized shall upon his order be destroyed in the manner designated by him.

RULE 52. *Cleansing and disinfection of the person.*—It shall be the duty of the patient, upon convalescence or recovery from any communicable disease, and of the nurse or persons in attendance on such case, throughout the course of the disease as well as at its close, suitably to cleanse and, when necessary, to disinfect their persons in accordance with the manner prescribed by the special rules and regulations of the State board of health.

RULE 53. *Letting of rooms forbidden while contaminated with infective material.*—No proprietor of a hotel, boarding house, or lodging house shall let for hire or cause or permit anyone to occupy a room or apartment previously occupied by a person affected with influenza, pneumonia, diphtheria, epidemic cerebrospinal meningitis, measles, poliomyelitis or infantile paralysis, scarlet fever, smallpox, tuberculosis, or typhus fever until such room or apartment has been cleansed, renovated, or disinfected under the direction of the local health officer.

When an order requiring the cleansing, renovation, or disinfection of articles or premises is not complied with, the local health officer shall post a placard on the premises, reading as follows:

NOTICE: These apartments have (or this room has) been occupied by a person affected with _____. They (or it) must not again be occupied until orders for cleansing, renovation, or disinfection have been complied with. This notice must not be removed under penalty of the law.

Date _____

_____, Health Officer.

RULE 54. Duties of common carriers during epidemics.—Whenever the State board of health shall make public declaration of the existence of an epidemic of a communicable disease in any municipality, and shall notify the local health board or officer of such declaration, the State board of health may declare, and its declaration shall have the force and effect of law, that no common carrier shall receive or admit any person for carriage or transportation in such municipality except upon the presentation and surrender to the agent, conductor, or other person in charge of the conveyance in which such person desires to travel of a certificate by the local health officer to the effect that such person is, in the opinion of the officer issuing the same, free from the disease then epidemic, and that such person may be received and carried without danger to the general public health, and giving in plain, legible writing the name, residence, and place of destination of such person; and said declaration may further provide that no person shall board or enter any such conveyance without such certificate.

Such certificate shall be filed in the office of the State board of health by the common carrier receiving the same within 36 hours after the receipt thereof.

The provisions of this regulation shall not apply to common carriers carrying passengers wholly within the limits of the municipality affected.

RULE 55. Placarding by common carriers.—When the declarations are made as provided in the preceding regulation, and a common carrier of passengers or an officer or agent thereof is notified by the State board of health or by the local health officer of such declaration, it shall be the duty of such common carrier of passengers operating public conveyances in any such municipality to forthwith conspicuously place or post in every station within such area as the State board of health may designate, and in every conveyance, the placard hereinafter described, and to keep the same posted until the epidemic is declared ended by the State board of health:

WARNING.

There is an outbreak of _____ in _____ (Give name of the disease and of city, town, or village.)

Passengers are cautioned.

STATE BOARD OF HEALTH.

Said placard shall be in heavy block letters in red ink on a white background, with each letter not less than 2 inches in height and 1½ inches in width, and shall be posted so that the same shall be in plain view of passengers when they are seated.

Any common carrier aforesaid entering any such municipality shall post such placard in such conveyance in the manner aforesaid at least one hour before arriving in any municipality in which an epidemic is declared to exist, and shall keep the same posted not less than half an hour after departing therefrom.

RULE 56. Duties of undertakers.—It shall be the duty of every undertaker taking charge of the preparation for burial of the body of any person to ascertain whether such person died of a communicable disease; and if such person died of Asiatic cholera, diphtheria, epidemic cerebrospinal meningitis, glanders, plague, scarlet fever, smallpox, or typhus fever, it shall be his duty to cause it immediately to be wrapped in a sheet saturated with disinfecting solution and promptly thereafter placed in a coffin or casket, which shall then be immediately and permanently closed. This regulation shall not be construed to prohibit the embalming of any such body, but the undertaker shall cause such embalming to be done immediately upon taking charge of the body, except that, when a permit for embalming is required, this shall not proceed until the receipt of such permit. But immediately after the embalming he shall cause

such body to be wrapped in a sheet and placed in a coffin or casket as hereinabove directed.

After handling, embalming, or preparing for burial the body of a person dead of any of the communicable diseases enumerated in this regulation, such parts of the persons, garments, and utensils or other articles of the undertaker or his assistants as may have been liable to contamination with infective material shall be immediately cleansed or disinfected or sterilized in the manner prescribed by the rules and regulations of the State board of health.

RULE 57. Public funerals forbidden in certain cases.—A public or a church funeral shall not be held of any person who has died of diphtheria, measles, scarlet fever, smallpox, or typhus fever, unless the body is inclosed in a properly sealed casket, and the consent of the local health officer has first been obtained.

RULE 69. No person afflicted with tuberculosis or any other communicable disease shall be admitted into any public or private school as teacher or pupil.

RULE 70. No parent, guardian or other person, having charge or control of any child or children, shall allow or permit any such child or children to go from any house or building infected with influenza, scarlet fever, diphtheria, smallpox, measles, whooping cough, cholera, or other contagious or infectious disease dangerous to public health to attend any public or private school.

RULE 71. No person shall be admitted into any public or private school who may recently have been affected with smallpox, scarlet fever, diphtheria, cholera, whooping cough, measles, or other contagious or infectious diseases dangerous to public health, nor from any of the diseases named, until 21 days after complete recovery, and without first presenting a certificate signed by a legally registered physician that all danger of communicating such disease to others is passed.

Venereal Diseases—Notification of Cases—Circular of Information and Instructions to be Given Patient—Examination of Persons Suspected of Being Infected—Laboratory Examinations—Quarantine—Prescribing or Compounding Medicine—Unlawful for Infected Persons to Expose Others to Infection—Repression of Prostitution—Issuance of Certificates of Freedom from Venereal Diseases—Records to be Confidential. (Reg. Bd. of H., May 12, 1919.)

RULE 58. Any physician or other person who makes a diagnosis in or treats a case of syphilis, gonorrhea, or chancroid, and every superintendent or manager of a hospital, dispensary, or charitable or penal institution in which there is a case of venereal disease shall report such case immediately in writing to the local health officer, stating the name and address or the office number, age, sex, color, and occupation of the diseased person, and the date of onset of the disease, and the probable source of the infection: *Provided*, That the name and address of the diseased person need not be stated except in a sealed envelope and sent to the local health officer, who shall report weekly on the prescribed form to the State board of health all cases reported to him.

RULE 59. Patients to be given information.—It shall be the duty of every physician and of every other person who examines or treats a person having syphilis, gonorrhea, or chancroid to instruct him in measures for preventing the spread of such disease and inform him of the necessity for treatment until cured, and to hand him a copy of the circular of information obtainable for this purpose from the State board of health.

RULE 60. Investigation of cases.—All city, county, and other local health officers shall use every available means to ascertain the existence of and to investigate all cases of syphilis, gonorrhea, and chancroid within their several territorial jurisdictions and to ascertain the sources of such infections. Local health officers are hereby empowered and directed to make such examinations of persons reasonably suspected of having syphilis, gonorrhea, or chancroid as may be necessary for carrying out these regulations. Owing to the prevalence of such diseases among prostitutes and persons associated with them, all such persons are to be considered within the above class.

RULE 61. Submitting specimens for laboratory examination in cases of syphilis, gonorrhea, and chancroid.—It shall be the duty of every physician to submit promptly to the laboratory of the State board of health, or to a laboratory approved by such board for this purpose, such specimens for laboratory examination and such data relating thereto as may be prescribed in the special rules and regulations issued by the State board of health, from every person affected with any one of the communicable diseases mentioned in rule 4, Group B, or from any person in whom suspicion of such disease exists.

RULE 62. Protection of others from infection by venereally diseased persons.—Upon receipt of a report of a case of venereal disease it shall be the duty of the local health officer to institute measures for the protection of other persons from infection by such venereally diseased person.

(a) Local health officers are authorized and directed to quarantine persons who have or are reasonably suspected to have syphilis, gonorrhea, or chancroid whenever in the opinion of the said local health officers or the State board of health or its secretary quarantine is necessary for the protection of the public health. In establishing quarantine the health officer shall designate and define the limits of the area in which the person known to have or reasonably suspected of having syphilis, gonorrhea, or chancroid and his immediate attendant are to be quarantined, and no person other than the attending physician shall enter or leave the area of quarantine without the permission of the local health officer.

No one but the local health officer shall terminate said quarantine, and this shall not be done until the diseased person has become noninfectious, as determined by the local health officer or his authorized deputy through the clinical examination and all necessary laboratory tests or until permission has been given him so to do by the State board of health or its secretary.

(b) The local health officer shall inform all persons who are about to be released from quarantine for venereal diseases in case they are not cured what further treatment should be taken to complete their cure. Any person not cured before release from quarantine shall be required to sign the following statement after the blank spaces have been filled to the satisfaction of the health officer:

I, _____ residing at _____
hereby acknowledge the fact that I am at this time infected with _____
_____ and agree to place myself under the medical care of _____
_____ (name of physician or clinic, and address) within
_____ hours, and that I will remain under treatment of said physician
or clinic until released by the health officer of _____
or until my case is transferred with the approval of said health officer to another
regularly licensed physician or an approved clinic.

I hereby agree to report to the health officer within four days after beginning treatment as above agreed, and will bring with me a statement from the above physician or clinic of the medical treatment applied in my case, and thereafter will report as often as may be demanded of me by the health officer.

I agree, further, that I will take all precautions recommended by the health officer to prevent the spread of the above disease to other persons, and that I will not perform any act which would expose other persons to the above disease.

I agree, until finally released by the health officer, to notify him of any change of address and to obtain his consent before moving my abode outside his jurisdiction.

----- Signature,
Date -----

All persons signing the above agreement shall observe its provisions, and any failure so to do shall be a violation of these regulations. All such agreements shall be filed with the health officer and kept inaccessible to the public as provided in rule 68.

RULE 63. Conditions under which the name of a patient is required to be reported.—(a) When a person applies to a physician or other person for the diagnosis or treatment of syphilis, gonorrhea, or chancroid, it shall be the duty of the physician or person consulted to inquire of and ascertain from the person seeking such treatment or diagnosis, whether such person has theretofore consulted with or has been treated by any other physician or person, and if so, to ascertain the name and address of the physician or person last consulted. It shall be the duty of the applicant for diagnosis or treatment to furnish this information, and a refusal to do so or a falsification of the name and address of such physician or person consulted by such applicant shall be deemed a violation of these regulations. It shall be the duty of the physician or other person whom the applicant consults to notify the physician or other person last consulted of the change of advisers. Should the physician or person previously consulted fail to receive such notice within 10 days after the last date upon which the patient was instructed by him to appear, it shall be the duty of such physician or person to report to the local health officer the name and address of such venereally diseased person.

(b) If an attending physician or other person knows or has good reason to suspect that a person having syphilis, gonorrhea, or chancroid is so conducting himself or herself as to expose other persons to infection, or is about to so conduct himself or herself, he shall notify the local health officer of the name and address of the diseased person and the essential facts in the case.

RULE 64. Druggists forbidden to prescribe for venereal diseases.—No druggist or other person not a physician licensed under the laws of the State shall prescribe or recommend to any person any drugs, medicines, or other substances to be used for the cure or alleviation of gonorrhea, syphilis, or chancroid, or shall compound any drugs or medicines for said purpose from any written formula or order not written for the person for whom the drugs or medicines are compounded and not signed by a physician licensed under the laws of the State.

RULE 65. Spread of venereal disease unlawful.—It shall be a violation of these regulations for any infected person knowingly to expose another person to infection with any of the said venereal diseases or for any person to perform an act which exposes another person to infection with venereal diseases.

RULE 66. Prostitution to be repressed.—Prostitution is hereby declared to be a prolific source of syphilis, gonorrhea, and chancroid, and the repression of prostitution is declared to be a public health measure. All local and State health officers are therefore directed to cooperate with the proper officials whose duty it is to enforce laws directed against prostitution and otherwise to use every proper means for the repression of prostitution.

RULE 67. Giving certificates of freedom from venereal diseases prohibited.—Physicians, health officers, and all other persons are prohibited from

issuing certificates of freedom from venereal disease: *Provided*, This rule shall not prevent the issuance of necessary statements of freedom from infectious diseases written in such form or given under such safeguards that their use in solicitation for sexual intercourse would be impossible.

RULE 68. Records to be kept secret.—All information and reports concerning persons infected with venereal diseases shall be inaccessible to the public except in so far as publicity may attend the performance of the duties imposed by these regulations and by the laws of the State.

Smallpox Vaccination—Required Before Child Becomes 1 Year of Age—Employees—Teachers and Pupils—How Done. (Reg. Bd. of H., May 12, 1919.)

RULE 74. Vaccination compulsory.—Every child shall be vaccinated before it becomes 1 year of age, and this board recommends that all persons be revaccinated as often as once in seven years.

RULE 75. Employment of unvaccinated persons unlawful.—All corporations, partnerships, companies or persons within the jurisdiction of this board shall require each employee for any kind of service to be vaccinated previous to employment, unless proof is furnished of successful vaccination within seven years or that the employee has had smallpox, and anyone employing a person in violation of this rule shall be guilty of a separate offense for each day that such employee shall be sick with smallpox, and liable for the cost of his maintenance. Every person in Kentucky is required by law to be vaccinated. (Sec. 4008, Ky. Stats.) This rule is to provide that no one violating the statute shall be employed.

RULE 76. Unvaccinated persons excluded from schools.—No person shall become a member of any public or private school within the jurisdiction of this board, as teacher or scholar, without furnishing a certificate from some reputable physician that he or she has been successfully vaccinated and has been revaccinated at least once each seven years.

RULE 77. Vaccination to be done by physicians with all aseptic care.—Vaccination, a very important procedure, should be done by a competent physician with the cleanliness and septic precautions observed in all surgical operations at three points an inch and a half apart on a clean arm, should dry for 30 minutes, and be left open. No so-called shields of any kind should ever be put on.

Local Health Officers—Appointment, Duties, and Compensation—Sanitary Surveys by. Nuisances—Abatement. Human Excrement or Other Refuse—Disposal. Schools, Theaters, and Other Buildings—Sanitary Supervision of, by Local Boards of Health. (Reg. Bd. of H., May 12, 1919.)

RULE 1. Election and duties of county health officer; minutes to be kept and reports of election made.—Each local board of health, county or city, shall elect a competent physician as the health officer of the territory under its jurisdiction, and he shall, by such election, become secretary of such board. The name and post-office address of such officer shall at once be sent by him to the State board of health. Such officer shall enforce the rules and regulations of the State board of health and his own board; he shall keep a correct report of its proceedings, and of his official acts, in a book provided by the local board for that purpose; he shall report quarterly and at such other times as may be required by the State board of health, and perform such other duties as may be required by his own or the State board. Local boards of health shall, in writing, recommend to their respective fiscal courts and councils the value of the services of the health officer, to be paid under section 2060 of the statutes.

RULE 2. The health officer shall, upon request of the State board of health, make a sanitary survey of the territory under his jurisdiction, for the purpose of ascertaining the existence of conditions detrimental to health, including in such survey swamp lands, stagnant ponds, collections of manure, imperfect drainage, sewerage, cesspools, and water-closets; the construction, ventilation, and drainage of public buildings, schoolhouses, prisons, hospitals, eleemosynary institutions, and such nuisances as might prove detrimental to the public health, and shall take proper steps to secure the abatement of such nuisance or conditions. No privy vault or cesspool shall open into any stream, ditch, or drain except common sewers. No human excrement removed from privy vaults, street scrapings, or other refuse of any kind from within a city or town shall be deposited on the ground within 1 mile of the corporate limits of such city or town, and only then upon a written permit from the health officer of the county in whose jurisdiction the territory lies.

RULE 3. City and county boards of health shall exercise especial supervision over the location, construction, drainage, water supply, heating, ventilation, plumbing, and disposal of excreta of the school [sic], schoolhouses, moving-picture theaters, and all other public buildings within their jurisdiction, and where any hygiene [sic] faults exist it shall be the duty of said board of health, upon notification of the proper authorities, to immediately examine the same and advise and require such changes as will result in a correction of all existing defects.

Milk and Cream—Production, Handling, and Sale. Soft Drinks—Keeping and Sale—Receptacles. Ice Cream—Receptacles. (Reg. Bd. of H., May 12, 1919.)

RULE 78. *Dairy buildings; ventilation and drainage.*—No building shall be used for stabling cows for dairy purposes which is not well lighted, ventilated, which is not provided with a suitable floor, laid with proper grades and channels to carry off all drainage, and drain constructed. If a public sewer abuts the premises upon which such buildings are located, they shall be connected therewith and furnished with proper sanitary traps. No building shall be used for such purposes which is not provided with good and sufficient feeding troughs or boxes, and with covered, water-tight receptacle, outside the building for the reception of dung or other refuse.

RULE 79. No water-closet, cesspool, urinal, inhabited room, or workshop shall be located within any building or shed used for stabling cows for dairy purposes, or for the storage of milk or cream, nor shall any fowl, hog, horse, sheep, or goat be kept in any room used for such purpose. No space in buildings or sheds used for stabling cows shall be less than 500 cubic feet for each cow, and the stalls therefor shall not be less than 4 feet in width.

RULE 80. *Cows to be cleaned daily; pure water.*—It shall be the duty of each person using any premises for keeping cows for dairy purposes to keep such premises thoroughly clean and in good repair, and well painted or whitewashed at all times. Every person keeping cows for the production of milk for sale shall cause every cow to be cleaned every day and to be properly fed and watered, and every person using any premises for keeping cows shall cause the yard used in connection therewith to be provided with a proper receptacle for drinking water for such cows, none but fresh, pure water to be used in such receptacle.

RULE 81. *Premises, cows, ice boxes, and refrigerators to be safeguarded.*—Any inclosure in which cows are kept shall be graded and drained so as to keep the

surface reasonably dry and to prevent accumulation of water therein, except as may be permitted for the purpose of supplying drinking water; no garbage, urine, fecal matter or similar substances shall be placed or allowed to remain in or near such inclosure; and no open drain shall be allowed to run through it. Any person using any premises for keeping cows for dairy purposes shall provide and use a sufficient number of receptacles, made of nonabsorbent materials, for the reception of, storage, and delivery of milk, and shall cause all milk to be removed without delay from the room in which the cows are kept. No milk shall be kept in ice boxes or refrigerators which are in any way connected with sewers or cesspools; nor shall any milk be kept in the same compartment of any ice box or refrigerator in which meats or any other articles of food are kept.

RULE 82. Care of bottles, cans, measures, and chemicals.—All bottles, cans, measures, and other receptacles for milk shall be scalded with boiling water or live steam daily; they must not be rinsed in cold water before using, for the water may not be pure, and some of it remaining in the vessels may contaminate the milk. All milk cans coming from the dairies to dealers must be properly cleaned as above before returning to the producer, thoroughly aired, and kept turned upside down in a cool place. All milk shall be strained through wire cloth or sterilized cotton strainers, and shall be cooled to 58° within 45 minutes after it is drawn from the cow. In winter weather the cooler should be guarded against freezing. The milk shall not exceed 60° when delivered to the customer or dealer. All milk cans delivered to creameries or dealers in the city shall be covered with air-tight lids, and when conveyed in open wagons shall be covered with canvas while being so conveyed, said canvas to be kept clean by frequent washing.

RULE 83. Whole milk to be delivered; period for calving; ventilation.—All strippings, as well as the first part of milk, shall be delivered. The night's and morning's milk shall not be mixed. No milk shall be delivered that is taken from a cow that has calved within 12 days or from a cow that will come in or calve inside of 45 days. Cows shall not be fed on feed which will impart a disagreeable flavor to milk, or upon any food that will not produce milk of a standard richness, or any sour, damaged ensilage, or other feed.

RULE 84. Every dairy in the State not connected with approved sewers to have septic tank privies.—All dairy farms or plants not connected with an approved system of sewers, and each residence within a quarter of a mile of such plant, shall be provided with septic tank privies modeled after the Kentucky sanitary privy, located below the level, draining away from or as remote as possible from the well or spring, to be under the charge of some reliable person to keep them clean, provided with toilet paper, and daily pour at least 4 gallons of water through each hole in the seat and the urinal.

RULE 85. Prompt notice of contagious diseases in herd to be given.—It shall be the duty of any person having charge or control of any premises upon which dairy cows are kept to notify the health officer having jurisdiction of the existence of any contagious or infectious diseases among such cows immediately upon the discovery thereof and to thoroughly isolate any cow or cows affected and to exercise such other precautions as may be directed by said health officer.

RULE 86. Tuberculin test for all dairy cattle.—It shall be the duty of any person owning or having control of cows used for the production of milk for sale or exchange to submit said cows for the tuberculin test for tuberculosis on the written order of the State board of health or of the local board of health having jurisdiction. No person having his herd tested by the tuberculin

test shall add any cows to the herd that have not been tuberculin tested by the proper authorities under penalty of having his permit revoked.

RULE 87. Notice of communicable disease on farm or in employees required.—It shall be the duty of any person having charge or control of any premises upon which milk or cream is produced, handled, stored, or distributed to notify the health officer immediately upon the discovery of any case of influenza, pneumonia, diphtheria, measles, membranous croup, scarlet fever, smallpox, typhoid fever, or any other contagious or infectious disease, upon such premises. No milk or cream shall be sold, exchanged, given away, or in any other manner distributed from such infected premises until all danger of the spread of the disease shall be removed and the health officer certifies to that effect. No person who attends to cows or milks them, or who has the care or handling of vessels for the sale, storage, or distribution of milk or cream, shall enter any place or premises wherein any of the diseases mentioned herein exists; nor shall any such person have any communication, direct or indirect, with any person who resides in or is an occupant of such infected place. Strict cleanliness of hands and persons of milkers, and those engaged in the handling of milk or cream, and of the bodies of cows, especially of the udders and teats, must be enforced at all times, to the end that no impurity or foreign substance may be added to the milk or cream, such addition being declared adulteration by the statute.

RULE 88. Only whole cream and undiluted milk to be marketed unless plainly labeled.—No person shall have in his possession, sell, or offer for sale, any milk or cream to which has been added water or any foreign substances or from which any portion of the cream or butter fat has been removed, unless labeled plainly on the container "Skim milk." No person shall add water or any other foreign substances to milk or cream offered or intended for sale or exchange. Milk offered for sale as whole milk, or sold as such, which contains more than 87 per cent of watery fluid, or less than 13 per cent of milk solids, including 3.7 per cent of butter fat, is prima facie watered, and such watering is declared an adulteration by the State statutes, the punishment for which is a fine of not less than \$25 for each and every offense.

RULE 89. Permit required for sale of milk in municipalities.—No corporation, association, firm, or individual shall sell or offer for sale at retail milk or cream in any municipality without a permit from the health officer thereof, which shall be issued subject to such conditions as may be imposed by these rules or by the local health officer. Such permit shall expire on the 31st day of March, unless another date is designated by the local authorities, and shall be renewable on or before such date in each year, and may be revoked at any time for cause by the State board of health or the local officer, after a hearing on due notice.

RULE 90. Application for permit required.—No permit for the sale at retail of milk or cream in any municipality shall be issued unless written application, sworn to by the applicant, has been made therefor in the form prescribed by the State board of health.

RULE 91. Information required in application for permit.—Every application for a permit to sell at retail milk or cream in any municipality shall contain the name of each producer from whom the applicant receives or expects to receive milk or cream for sale, together with the approximate amount of milk or cream to be furnished by each such producer, and upon change in the source or amount of supply notice thereof.

RULE 92. Dairy farms to be inspected and scored.—Previous to the 1st day of January, 1920, the health officer or his representative in every municipality shall make a sanitary inspection of every dairy farm where milk or cream is

produced for sale at retail in such municipality and shall score each such dairy farm on the score card prescribed by the State board of health.

On or after the 1st day of July, 1919, each such health officer or his representative shall make such inspection and scoring at least once in each year and before the 31st day of July in each year unless another date is designated by the local authorities.

The local health officer of such municipality may, however, in his discretion, accept the inspection and scoring by the health officer or his representative of another municipality.

RULE 93. Conditions of issuance of permit.—On and after the 1st day of January, 1920, no permit to sell at retail milk or cream in any municipality shall be issued unless the premises, where it is proposed to handle such milk or cream, shall, in the opinion of the local health officer or his representative after inspection, have been rendered clean and sanitary; and unless each farm or dairy, where such milk or cream is produced, shall have been rated after inspection by a health officer or his representative, or, in case of protest, by a sanitary supervisor of the State board of health, at least 40 per cent on the score card prescribed by the State board of health.

RULE 94. Conditions of renewal of permit.—No permit to sell at retail milk or cream in any municipality shall be renewed unless inspection has been made within the preceding six months by the local health officer or his representative of the premises where such milk or cream is handled and unless each farm or dairy where such milk or cream is produced has been rated by a health officer or his representative, or, in case of protest, by a sanitary supervisor of the State board of health, within the preceding six months after inspection at least 40 per cent on the score card prescribed by the State board of health.

RULE 95. Public display of permit.—Permits to sell milk or cream shall be publicly displayed in such manner as may be prescribed by the local health authorities.

RULE 96. Milk and cream or other soft drinks to be kept only under sanitary conditions.—No milk or cream or other soft drinks shall be sold or kept for sale under any conditions which in the opinion of the local health officer are not clean and sanitary. All vessels containing such milk or cream for sale shall at all times be covered, kept cool, and so placed that the contents will not be exposed to sun, dust, dirt, flies, or other insects.

RULE 97. Conditions of bottling of milk and cream.—No milk or cream or other soft drinks shall be served or sold in bottles or offered for sale in bottles, unless the bottling is done under clean and sanitary conditions at the place of production or collecting or distributing station. Each bottle shall be capped and each cap shall show the name of the producer or dealer and the place of bottling.

RULE 98. Receptacles to be kept in sanitary condition; when to be condemned and seized.—Every can or other vessel which is used to contain milk or cream or ice cream or other soft drinks intended for sale shall be constantly kept in a clean and sanitary condition. When emptied, and before being returned by the person to whom it was last delivered full or partly full, every such can or other vessel shall be effectively cleansed. The local health officer or his representative shall condemn any such can or other vessel found by him to be in such condition that it can not be rendered by washing clean and sanitary as a receptacle for milk or cream or ice cream or other soft drinks, and shall destroy or so mark the condemned vessel as to show that it has been condemned. When so condemned and marked such can or other vessel shall not be used again to contain milk or cream or ice cream or other soft drinks for sale. The local

health officer or his representative may seize and hold as evidence any can or other vessel returned or otherwise used in violation of this regulation.

RULE 99. *Utensils to be cleansed.*—All dippers, glasses, spoons, measures, or other utensils used in the handling of milk or cream or ice cream or other soft drinks intended for sale shall be maintained in a cleanly condition.

RULE 100. *Pasteurization.*—Except where a different standard of pasteurization has been adopted previous to the 1st day of September, 1914, by the local health authorities, no milk or cream shall be sold or offered for sale as pasteurized unless it has been subjected to a temperature of 142° to 145° F. for not less than 30 minutes; and no milk or cream which has been heated by any method shall be sold or offered for sale unless the heating conforms to the provisions of this regulation.

After pasteurization the milk or cream shall be immediately cooled and placed in clean containers, and the containers shall be immediately sealed.

RULE 101. *Designations of milk and cream restricted.*—All milk sold and offered for sale at retail, except milk sold or offered for sale as sour milk under its various designations, shall bear one of the designations provided in this regulation, which constitute the minimum requirements permitted in this State.

No term shall be used to designate the grade or quality of milk or cream which is sold or offered for sale, except:

Certified.

Grade A raw.

Grade A pasteurized.

Grade B raw.

Grade B pasteurized.

Grade C raw.

Grade C pasteurized.

Certified.—No milk or cream shall be sold or offered for sale as "Certified" unless it conforms to the following requirements:

The dealer selling or delivering such milk or cream must hold a permit from the local health officer.

All cows producing such milk or cream must have been tested at least once during the previous year with tuberculin, and any cow reacting thereto must have been promptly excluded from the herd. The reports of such tuberculin tests must be filed with the local health officer and the milk commission of the county medical society in the municipality and county, respectively, in which such milk is delivered to the consumer.

Such milk must not at any time previous to delivery to the consumer contain more than 10,000 bacteria per cubic centimeter and such cream not more than 50,000 bacteria per cubic centimeter.

Such milk and cream must be produced on farms which are duly scored on the score card prescribed by the State board of health not less than 35 per cent for equipment and not less than 55 per cent for methods.

Such milk and cream must be delivered within 36 hours of the time of milking.

Such milk and cream must be delivered to consumers only in containers filled at the dairy or central bottling plant.

The caps must contain the word "Certified" and bear the certification of a milk commission appointed by the county medical society organized under and chartered by the Kentucky State Medical Association, and must also contain the name and address of the dairy as well as the date of milking.

Every employee before entering upon the performance of his duties shall be examined by a duly licensed physician, and the reports of such examination shall be sent to the milk commission certifying the milk from such dairy.

The milkers and all persons handling the milk must be provided with suits and caps of washable material which shall be worn while milking or handling the milk and shall not be worn at other times. When not in use these garments must be kept in a clean place free from dust. Not less than two clean suits and caps must be furnished weekly. The hands of the milkers must be washed with soap and hot water and well dried with a clean towel before milking.

Grade A raw.—No milk or cream shall be sold or offered for sale as "Grade A raw" unless it conforms to the following requirements:

The dealer selling or delivering such milk or cream must hold a permit from the local health officer.

All cows producing such milk or cream must have been tested at least once during the previous year with tuberculin, and any cow reacting thereto must have been promptly excluded from the herd.

Such milk must not at any time previous to delivery to the consumer contain more than 60,000 bacteria per cubic centimeter, and such cream not more than 300,000 bacteria per cubic centimeter.

Such milk and cream must be produced on farms which are duly scored on the score card prescribed by the State board of health not less than 25 per cent for equipment and not less than 50 per cent for methods.

Such milk and cream must be delivered within 36 hours from the time of milking, unless a shorter time shall be prescribed by the local health authorities.

Such milk and cream must be delivered to consumers only in containers sealed at the dairy or a bottling plant. The caps or tags must be white and contain the term "Grade A raw" in large black type, and the name and address of the dealer.

Grade A pasteurized.—No milk or cream shall be sold or offered for sale as "Grade A pasteurized" unless it conforms to the following requirements:

The dealer selling or delivering such milk or cream must hold a permit from the local health officer.

All cows producing such milk or cream must be healthy as disclosed by an annual physical examination.

Such milk or cream before pasteurization must not contain more than 200,000 bacteria per cubic centimeter.

Such milk must not at any time after pasteurization and previous to delivery to the consumer contain more than 30,000 bacteria per cubic centimeter; and such cream not more than 150,000 bacteria per cubic centimeter.

Such milk and cream must be produced on farms which are duly scored on the score card prescribed by the State board of health not less than 25 per cent for equipment and not less than 43 per cent for methods.

Such milk and cream must be delivered within 36 hours after pasteurization, unless a shorter time shall be prescribed by the local health authorities.

Such milk and cream must be delivered to consumers only in containers sealed at the dairy or at a bottling plant. The caps or tags must be white and contain the term "Grade A pasteurized" in large black type.

Grade B raw.—No milk or cream shall be sold or offered for sale as "Grade B raw" unless it conforms to the following requirements:

The dealer selling or delivering such milk or cream must hold a permit from the local health officer.

All cows producing such milk or cream must be healthy as disclosed by an annual physical examination.

Such milk must not at any time previous to delivery to the consumer contain more than 2000,000 bacteria per cubic centimeter, and such cream not more than 750,000 bacteria per cubic centimeter.

Such milk and cream must be produced on farms which are duly scored on the score card prescribed by the State board of health not less than 23 per cent for equipment and not less than 37 per cent for methods.

Such milk and cream must be delivered within 36 hours from the time of milking, unless a shorter time shall be prescribed by the local health authorities.

The caps or tags on the containers must be white and contain the term "Grade B raw" in large, bright green type, and the name of the dealer.

Grade B pasteurized.—No milk or cream shall be sold or offered for sale as "Grade B pasteurized" unless it conforms to the following requirements:

The dealer selling or delivering such milk or cream must hold a permit from the local health officer.

All cows producing such milk or cream must be healthy as disclosed by an annual physical examination.

Such milk or cream before pasteurization must not contain more than 1,500,000 bacteria per cubic centimeter.

Such milk must not at any time after pasteurization and previous to delivery to the consumer contain more than 100,000 bacteria per cubic centimeter, and such cream not more than 500,000 bacteria per cubic centimeter.

Such milk and cream must be produced on farms which are duly scored on the score card prescribed by the State board of health not less than 20 per cent for equipment and not less than 35 per cent for methods.

Such milk must be delivered within 36 hours after pasteurization between April 1 and November 1 and within 48 hours after pasteurization between November 1 and April 1, and such cream within 48 hours after pasteurization, unless a shorter time is prescribed by the local health authorities.

The caps or tags on the containers must be white and contain the term "Grade B pasteurized" in large, bright green type, and the name of the dealer.

Grade C raw.—No milk or cream shall be sold or offered for sale as "Grade C raw" unless it conforms to the following requirements:

The dealer selling or delivering such milk or cream must hold a permit from the local health officer.

Such milk and cream must be produced on farms which are duly scored on the score card prescribed by the State board of health not less than 40 per cent.

Such milk and cream must be delivered within 48 hours from the time of milking, unless a shorter time shall be prescribed by the local health authorities.

The caps or tags affixed to the containers must be white and contain the term "Grade C raw" in large red type.

Grade C pasteurized.—No milk or cream shall be sold or offered for sale as "Grade C pasteurized" unless it conforms to the following requirements:

The dealer selling or delivering such milk or cream must hold a permit from the local health officer.

Such milk and cream must be produced on farms which are duly scored on the score card prescribed by the State board of health not less than 40 per cent.

Such milk and cream must be delivered within 48 hours after pasteurization, unless a shorter time shall be prescribed by the local health authorities.

The caps or tags affixed to the containers must be white and contain the term "Grade C pasteurized" in large red type.

The bacterial count herein required shall be made only at State, county, or municipal laboratories or such other laboratories as may be approved by the State board of health.

In those municipalities where a bacterial count of the milk is, in the opinion of the local health authorities, impracticable, they may in their discretion

grade milk and cream according to the score of the dairies producing it, as prescribed in this regulation, but no such milk shall be designated "certified," "Grade A raw," or "Grade A pasteurized."

This regulation shall not be construed to rescind or modify any existing local regulation or ordinance controlling the grading of milk or cream established prior to the 1st day of September, 1914.

RULE 102. *Supplementary regulations by local authorities.*—The health authorities of any municipality may in their discretion increase the stringency of these regulations or add to them in any way not inconsistent with the provisions thereof, and may prohibit the sale, or the keeping for sale, within the municipality of any of the grades of milk herein defined.

RULE 103. *Milk or cream in cold-storage warehouses.*—Nothing contained in this chapter in reference to the time of delivery of milk and cream shall be deemed to prohibit the keeping of such milk and cream in cold storage in a duly licensed cold-storage warehouse for a period of not more than 10 calendar months; provided, such milk and cream is placed in such cold-storage warehouse within 24 hours after milking or pasteurization, as the case may be.

Bakeries—Construction and Sanitary Regulation—Employees. Bakery Products—Manufacture, Handling, and Sale. (Reg. Bd. of H., May 12, 1919.)

RULE 104. *Requirements for bakery buildings.*—Every building, room, or other place occupied or used as a bakery shall be properly lighted, drained, plumbed, and ventilated, and conducted with strict regard to the influence of such conditions upon the health of the operator, employees, clerks, or other persons therein employed, and wholesomeness of the food therein produced, kept, handled, or sold. Every such bakery shall be provided with adequate plumbing and drainage facilities, including suitable wash sinks and water-closets. No water-closet shall be entered from or shall be in direct communication with the rooms in which the bakery products are handled. All such sinks and closets shall be kept in a clean and sanitary condition. The walls and ceilings of the rooms in which the dough is mixed or the pastry prepared for baking or in which the bakery products or ingredients of such products are otherwise handled or stored, shall be kept in a clean or wholesome condition, and shall be washed, painted, calcimined, or lime washed as often as necessary, and all interior woodwork of such rooms shall be kept clean by washing with soap water or otherwise, so as to be kept in a good sanitary condition. All floors of such rooms shall have an impermeable floor made of cement or tile laid in cement, brick, wood, or other suitable, nonabsorbent material which can be flushed and washed clean with water. Sewerage pipes shall not be laid through such rooms, and all openings into such rooms, including windows and doors, shall be properly screened to exclude flies.

RULE 105. *Rooms to be for no other purpose; care of the person in employees and employment of those having cutaneous or contagious diseases forbidden.*—The working rooms shall not be used for purposes other than those directly connected with the preparing and baking of food, and shall not be used as washing, sleeping, or living rooms, but shall at all times be separated and closed from the living and sleeping rooms. Separate rooms shall be provided for changing and hanging clothes. The working rooms shall be furnished with cuspidors, at least one in each room, which cuspidors shall have a disinfectant therein and shall be cleaned daily. There shall not be in such rooms any spitting on the floors or walls, smoking, snuffing, or chewing of tobacco. No employee or other person shall sit or lie upon any of the tables, benches, troughs, shelves, etc., which are intended for the dough or baked articles. Chairs or

benches shall be provided in sufficient number to sit upon. Before beginning work and before preparing and mixing the ingredients, every person engaged in the preparation or handling of bakery products shall wash the hands and arms thoroughly in clean water, and for this purpose sufficient washbasins, together with soap and clean towels, shall be provided. Every person engaged in such work shall wash the hands and arms after using toilet rooms or water-closets. Persons employed in the bakery or bakery rooms shall wear sufficient clothing while working, and such clothing shall be clean and sanitary.

Employees or other persons having any cutaneous, contagious, or infectious disease shall not be employed in any such bakeries, nor be permitted to handle any of the products therein.

RULE 106. Certificate of purity of water required; care in storing flour, eggs, and all other ingredients used.—All water used for mixing the dough or for any other use in connection with bakery products shall be pure and wholesome, and shall not be taken from any pipe which pipe also leads into a water-closet or into a sewer. In case the water supply is taken from a well, the baker shall have a certificate from the Kentucky Agricultural Experiment Station, or from the State board of health, or from the city or county health officer, that such water is pure and wholesome and free from contamination. The supplies of flour shall be stored in a dry, clean place and be protected from vermin and all other contamination. The supplies of other materials used in the preparation of bakery products, including eggs and egg products, fruit and fruit products, shall be kept in a clean place and in clean receptacles, and shall be protected from dust or other contamination.

RULE 107. Cleanliness of all receptacles for raw and baked products; protection from flies and dust.—All barrels, boxes, tubs, pails, kneading troughs, machines, racks, pans, or other receptacles used for holding materials from which bakery products are prepared or for holding bakery products shall be kept clean and wholesome at all times, and shall be constructed so as to be easily and conveniently cleaned. All show cases, shelves, or other places where bread or other bakery products are exposed for sale, including the bread, cake, and pie boxes, or cases in any grocery store, or other retail place, and in restaurants, or other places where bakery products are sold, and shall be kept well covered or screened, well protected from dust and flies, and shall be kept in a sweet, clean, and wholesome condition at all times. No bread or other bakery product shall be exposed during the time that it is intended or offered for sale to the dust of the street, or to other contamination.

RULE 108. All bakery products to be wrapped or otherwise protected from contamination in handling or transportation; tags, slips, and pasters.—No person shall handle any unwrapped bakery product with unclean hands, and no bread, cake, or pie or other bakery products shall be hauled, transported, or delivered without being safely protected from dust and other contamination by wrapping or covering. Unwrapped bread, cakes, or pies shall not be handled by drivers, deliverymen, grocers, or other dealers with unclean hands. The wagons, boxes, baskets, and other receptacles in which bread, cakes, pies, or other bakery products are transported, shall be kept in a clean and wholesome condition at all times and free from dust and other contamination. No bread, cakes, pies, or other bakery products shall be handled or fingered by intended purchasers unless such product shall in fact be purchased by such persons and not intended for further sale. No tag or slip shall be put upon any loaf of bread or upon any pie or cake which such tag has been licked, or which is affixed with commercial glue, or which is made from paper containing material of a poisonous or deleterious character, or which has been stamped or

branded with ingredients that may rub off on to the bread or other bakery products.

RULE 109. *All wastes and garbage to be removed daily.*—All waste products and garbage shall be removed from the bakery rooms or other rooms where food is kept or prepared at least once daily, and shall not be allowed to remain in such proximity to the bakery rooms as will give occasion for contaminating odors.

[No rule 110.]

RULE 111. *Standard of purity of all raw materials, including lard, butter, and eggs.*—All ingredients used in the manufacture or preparation of bakery products shall be pure and wholesome and shall be up to the standard required in the other provisions of the Kentucky food and drug laws. No unwholesome or unclean butter, lard, oleomargarine, or oil shall be employed. No eggs of a spoiled or unwholesome character shall be used, and no egg product, whether frozen or desiccated and which has been prepared from spoiled, unsound, or unwholesome eggs, shall be used in such bakery products. No flour which has been bleached with poisonous materials or which has been bleached so as to affect its quality or strength, or which has been bleached so as to make it appear better or of greater value than it is shall be used. No jellies, jams, fruit pulp, pie fillings, flavoring extracts, or other ingredients shall be used in the mixing or preparation of bakery products which do not comply with the other provisions of the said food and drugs act. In case where imitation jellies, jams, flavors, or other such ingredients are used, and in case where such imitation products are wholesome, bakery products made out of such ingredients may be sold if the pie, cake, bread, or other bakery product is labeled so as to show that it is made from such imitation ingredients or flavors and so as to show that it is not made from the true fruit.

RULE 112. *Health officers and experts of board to cooperate with bakers in enforcement of rules.*—As far as possible and appropriate the food and drug bureau of the State board of health will assist bakers in determining the purity and quality of the ingredients sold to any baker for use in the preparation of food: *Provided, however,* Any baker seeking such assistance gives to the said division full information with respect to the labeling upon the original packages of such ingredients, the parties from whom purchased, and the date purchased, and any other information which the said division may require.

All health officers throughout the State and all bakers and other persons engaged in the production and sale and handling of bakery products are requested to cooperate in the enforcement of these regulations, to the end that all bakery products will be produced and handled in a wholesome and sanitary manner, and to the end that the confidence of the consumer in such products will be increased.

Meat and Meat Food Products—Preparation and Sale—Sanitary Regulation of Slaughtering and Slaughterhouses. (Reg. Bd. of H., May 12, 1919.)

RULE 115. *Slaughter or sale of flesh of diseased animals forbidden.*—It shall be unlawful for any person, firm, or corporation owning or operating stockyards, abattoirs, or slaughterhouses in this State to sell or offer for sale, or to have in their possession for sale or slaughter for food, any cattle, sheep, hogs, or other animals which are diseased or in any way unhealthy or unfit for food, and such animals shall be at once killed and the carcass disposed of as provided by law for diseased animals, or put in quarantine and reported to the State veterinarian. It shall be the duty of all stockyards to set aside and maintain at the expense of the owners or operators thereof a quarantine pen

of such size and construction as may be prescribed by this board, which shall be provided with a suitable lock, and in which pen shall be at once placed all animals failing to pass inspection or suspected to be diseased and awaiting inspection, and all such stockyards, abattoirs, and slaughterhouses as are regularly inspected by an official veterinarian shall furnish such officer proper office or desk room for the performance of his duties without expense to him.

RULE 116. Quarantine pens; sanitary cleanliness imperative; toilet facilities; water and sewer connection.—Every slaughterhouse or other place in which meat or meat products from cattle, swine, or poultry are slaughtered, handled, or stored within this State shall be constructed so as to constantly meet all sanitary requirements; shall be suitably lighted and ventilated; and shall have the equipment and methods necessary to maintain such a place and to handle all products in a sanitary condition. It shall be provided with efficient drainage and have proper sewage connections; it shall have equipment and methods necessary to take care of all the offal in a sanitary manner; it shall be located and operated so as to not only produce wholesome food, but also so as to commit no nuisance whatsoever which might affect the public health. The work in such establishments shall be performed in a cleanly and sanitary manner; strict regard shall be paid to the cleanliness and health of employees. There shall be properly located toilet facilities, and there shall be proper facilities to enable the employees to keep themselves clean, and there shall be proper facilities to enable them to observe personal cleanliness during their handling of food. There shall be convenient and adequate facilities for keeping the plant clean. No slaughtering shall be done in any barn or other building not suitable for slaughtering animals and for the handling and dressing and killing of meats.

II. All such slaughterhouses shall have an efficient system of drainage with proper sewer connections, and in any case, so that no water or other refuse of any kind may soak into the ground underneath and around the building, or be led from the building in such a way as to produce odors or otherwise become a nuisance. There shall not be any blind wells, cesspools, or privy within the slaughtering house. Sewage connections shall not be made of wood but shall be made of closed vitrified tile or cast iron, together with tight joints, or of some similar material and construction. Liquid wastes, where possible, shall either be run into the city sewer, provided that this does not place an undue burden upon existing purification works, or upon the stream into which the city sewage empties; or there shall be provided adequate means for the purification of the wastes. The site selected, the disposal of sewage or means for sewage purification, must be according to plans approved by the State board of health or its agents.

III. The feeding of hogs or other animals on the refuse of slaughterhouses shall not be permitted on the premises, nor shall any such refuse be fed to any animals intended for slaughter. No use incompatible with the proper sanitation shall be made of any part of the premises on which such establishment is located. All yards, fences, pens, chutes, alleys, etc., belonging to the premises of such establishment, whether they are used or not, shall be maintained in a sanitary condition, and no nuisance whatsoever shall be allowed in the establishment or on its premises.

IV. Hot and cold water.—All slaughterhouses shall have an abundant supply of water from a well, spring, or other source which is free from contamination from any slaughterhouse or surrounding pens or inclosure, and which water may be applied, both hot and cold, with adequate pressure from a hose to any part of the room or rooms used for the purpose of slaughtering or pre-

paring meats for consumption as human food, and shall be so designed and built as to be readily and thoroughly cleaned.

V. *Floors*.—All slaughterhouses shall have suitable floors constructed preferably of concrete and in such a manner as to be water-tight and which shall carry off into tubs or reservoirs provided for that purpose, all blood and wastes; which floors shall be thoroughly scrubbed and cleaned each day after the slaughtering has been completed.

VI. *Ceilings, walls, pillars, partitions, etc.*, shall be so constructed as to be kept, and shall be kept, in a sanitary condition, and when necessary they shall be washed, scraped, painted, or otherwise treated as required. Where floors or other parts of a building or tables or other parts of the equipment are so old or in such poor condition that they can not be readily made sanitary, they shall be removed and replaced by suitable materials. All floors upon which meats are piled during the process of curing shall be of concrete or similar material and be so constructed that they can be kept in a sanitary condition, and all meat piled upon floors shall be suitably protected from trucks, etc. Walks and platforms or approaches leading into establishments shall be kept clean to prevent tracking dirt into the same.

VII. *Cleanliness of all vehicles and appliances*.—All trucks, trays, and other receptacles, all chutes, platforms, racks, tables, etc., and all knives, saws, cleavers, and other tools, and all utensils, machinery, and vehicles used in moving, handling, cutting, chopping, mixing, canning, or other processes shall be thoroughly cleaned before using.

VIII. *Care of hands and clothing*.—Managers of establishments must require employees to be cleanly. The aprons, smocks, or other outer clothing worn by employees who handle meat or meat food products shall be of a material that is readily cleansed and made sanitary, and only clean garments shall be worn. Persons who handle meat or meat food products shall be required to keep their hands clean, and they shall be required also to pay particular attention to the cleanliness of their boots or shoes.

IX. *All employees to be healthy*.—Persons affected with tuberculosis or any other communicable disease shall not be employed in any of the departments of establishments where carcasses are dressed, meat is handled, or meat food products are prepared.

X. All water-closets, toilet rooms, and dressing rooms, shall be connected with the sewer when located on a line of sewers, otherwise with the tank of a Kentucky sanitary privy, and be entirely separated from compartments in which carcasses are dressed, or meat or meat food products are cured, stored, packed, handled, or prepared. Where such rooms open into compartments in which meat or meat food products are handled, they must, when this is considered necessary, be provided with properly ventilated vestibules, and with automatically closing doors. They shall be conveniently located, sufficient in number, ample in size, and fitted with modern lavatory accommodations, including toilet paper, soap, running hot and cold water, towels, etc. They shall be properly lighted, suitably ventilated and kept in a sanitary condition. Convenient and sanitary urinals shall be provided; and washstands near at hand shall also be provided.

XI. The rooms or compartments in which meat or meat food products are prepared, cured, stored, packed, or otherwise handled shall be free from odors from toilet rooms, catch basins, casing departments, tank rooms, hide cellars, etc., and shall be kept free from flies and other vermin by screening or other methods. All rooms or compartments shall be provided with cuspidors of such shape as not readily to be upset and of such material and construction as to be

readily disinfected, and employees who expectorate shall be required to use them.

XII. Handling of diseased carcasses conducted as a separate business; disinfection of hands and implements.—Butchers who dress or handle diseased carcasses or parts shall cleanse their hands of all grease and then immerse them in a proper disinfectant and rinse them in clear water before dressing or handling healthy carcasses. All butchers' implements used in dressing diseased carcasses shall be sterilized either in boiling water or by immersion in a prescribed disinfectant followed by rinsing in clear water. Facilities for such cleansing and disinfection approved by the inspector in charge shall be provided by the establishment. Separate sanitary trucks, etc., which shall be appropriately and distinctly marked, shall be furnished for handling diseased carcasses and parts. Following the slaughter of any animal affected with an infectious disease, a stop shall be made until the implements have been cleansed and disinfected, unless other clean implements are provided.

[No paragraph XIII.]

XIV. Protection from soiling.—Due care must be taken to prevent meat and meat food products from falling on the floor; and in the event of their having so fallen, they must be condemned or the soiled portions removed and condemned. When meat or meat food products are being emptied into tanks, some device, such as a metal funnel, must be used.

XV. To be protected from saliva.—Carcasses shall not be inflated with air from the mouth, and no inflation of carcasses except by mechanical means shall be allowed. Carcasses shall not be dressed with skewers, knives, etc., that have been held in the mouth. Skewers shall be cleaned before being used again. Spitting on whetstones or steels when sharpening knives shall not be allowed.

XVI. Water to be tested.—Only good, clean, and wholesome water and ice shall be used in the preparation of carcasses, parts, meat, or meat food products. Whenever there is any doubt regarding the sanitary condition of the water supply, notice shall be immediately sent to the secretary of the State board of health, or to the county or city health officer of the locality.

XVII. Care of meat in transit.—Wagons or cars in which meat or meat food products are transported shall be kept in a clean and sanitary condition. The wagons used in transporting loose meat shall be so closed and covered that the contents shall be kept clean and free from contamination.

XVIII. Offal removed daily; storing of fertilizer and tankage.—All offal shall be cleaned up and disposed of daily, either by tanking or removal from the premises of the plant. The system for, and operations connected with, the treatment of offal for fertilizer, grease, or other purposes shall be in a separate building, or in a different part of the building from that in which the products intended for food are handled, separated by masonry, and no fertilizer or other product of the tanked offal shall be stored or brought into any place or room where products intended for food are handled or stored. Such tankage operations shall be conducted in a sanitary manner, and the rendering and other rooms and equipment shall be cleaned daily.

XIX. Tallow; refrigeration and ice boxes.—Tallow and other fats shall be rendered or removed from the premises before decomposition, and all meat trimmings, etc., intended for ingredients in food products shall be worked up while the same are fresh, unless stored in proper refrigeration. All chill rooms, refrigerating chambers, ice boxes, and so on shall be properly constructed to meet all sanitary requirements necessary for the purpose for which used, and shall be carefully operated with respect to the temperature, humidity, and general sanitary condition necessary to the wholesomeness of the product or products stored therein.

XX. Sanitary handling and delivery.—All deliveries of meat or poultry from a slaughterhouse, refrigerating room, or other producing or wholesale plant in which such meat or meat products are produced or stored shall be in a cleanly and sanitary manner and the product be fully protected from dust, flies, and other dirt and contamination.

XXI. Retail handling; protection from flies and dust.—All retail establishments in which any meat, poultry, or other meat food products are kept for sale shall be suitable for such purpose, free from odors, screened and free of flies, shall have facilities for cleaning ice boxes, meat blocks, cleavers, saws, knives, etc., and shall have refrigerating rooms or ice boxes, with the temperature necessary for the proper preservation of such fresh products. Such ice boxes or refrigerating rooms shall be constantly kept in a clean and wholesome condition and free from odors, and no spoiled meat or poultry shall be kept therein. No poultry or meat product shall be exposed on counters or other places where it would be subjected to flies, street dust, or other contamination, and no fresh meat or poultry products shall be exposed on counters or otherwise during the spring, summer, or fall months, or at any other times when the temperature is high enough to cause any deterioration without proper icing facilities. And all such exposure with icing facilities shall also be in such manner as to be fully protected from flies, dirt, and other contamination. No fresh meat, poultry, or meat products shall be offered for sale in a retail market which have been fingered by intending purchasers. All deliveries of fresh meat, poultry, or meat products shall be so protected as to reach the customer free from contamination from flies and dust.

XXII. Same rules apply to similar products in hotels and restaurants.—These regulations, or so much of them as is applicable, will also apply to restaurants, hotels, and other places in which food is prepared for sale.

Eggs—Handling, Storing, Packing, and Sale. (Reg. Bd. of H., May 12, 1919.)

RULE 113. Handling of eggs on candling basis only in warm season.—Between May 15 and January 15 of each year all eggs in the market or intended for market shall be handled only on candling basis, and no payment, either in cash or merchandise, shall be made for those unfit for food. A statement shall be made in duplicate by the buyer of each purchase of eggs showing the number of good, damaged, and bad eggs in each lot, one copy of which shall be given to the person from whom the purchase is made and the other to be kept on file for one year, and subject to inspection at all times by any health or food inspector.

RULE 114. Storing and packing of eggs.—During the warm season all eggs shall be kept in a cool place; all lots of greater than 30 dozen shall be packed in strong, standard egg cases and fillers, well protected from breakage, all cracked ones being packed in separate cases from those with sound shells. From May 15 to January 15 of each year each case of eggs shall contain upon the top layer a properly dated and signed candling certificate.

RULE 114a. Unfit eggs not to be offered or exposed for sale; definitions; penalties.—No person, firm, or corporation shall sell, offer or expose for sale, or have in possession for the purpose of sale any eggs unfit for human food unless they are broken in the shell and then denatured in such a way that they can not be used for food. An egg shall be deemed unfit for food if it be addled or moldy, have black or white rot or a blood ring, has a bloody, white, or adherent yolk, or if it consists even in part of a filthy, decomposed, or putrid substance. Any person violating any of these rules or provisions will be subject to the pains and penalties provided by the statutes.

Water Supplies and Sewerage Systems—Installation or Alteration—Approval of Plans and Specifications—Prevention of Pollution of Water Supplies. (Reg. Bd. of H., May 12, 1919.)

RULE 177. Plans for water supplies and sewers to be approved.—No municipality, corporation, institution, or person shall install or enter into contract for installing any public water supply or system of sewerage until complete plans and specifications fully describing such water supply or system of sewerage have been submitted to and received the approval of the State board of health in writing.

RULE 178. Change of plans to be approved.—No municipality, corporation, institution or person shall make or enter into contract for making any additions or alterations in any public water supply which involve a change in the source of supply or change in the method of treating the water for purification purposes until complete plans and specifications fully describing such additions or alterations have been submitted to and received the approval of the State board of health in writing.

RULE 179. Sewer contracts.—No municipality, corporation, institution, or person shall make or enter into contract for making any additions or alterations in any system of sewerage which involve any change in the outfalls or change in the methods of disposing of the sewerage until complete plans and specifications fully describing such additions or alterations have been submitted to and received the approval of the State board of health in writing.

RULE 180. Sites and plans of certain manufacturing plants.—No municipality, corporation, institution, or person shall adopt a site for the location of any manufacturing or other industry which produces putrescible or otherwise objectionable liquid wastes until said site is approved by the State board of health, and some method for adequately purifying such wastes, satisfactory to the board, has been adopted.

RULE 181. Protection of streams, lakes, or reservoirs.—No person shall put the carcass or any part thereof of any dead animal or the offal from any slaughterhouse, butcher house, or fish house, or any other spoiled meat or fish or any putrid animal substance upon the bank of or into any river, stream, pond, lake, reservoir, waterworks, well, cistern, or other place connected with a domestic water supply, or permit any such things to remain on any such premises owned by him which endangers the water supply of any family or community.

Drugs—Standards—Labeling—Adulteration and Misbranding. (Reg. Bd of H., May 12, 1919.)

RULE 202. A drug bearing a name recognized in the United States Pharmacopœia or National Formulary, without sufficient further statement respecting its character, shall be required to conform in strength, quality, and purity to the standards prescribed or indicated for a drug of the same name recognized in either of these above-named standards official at the time.

RULE 203. A drug bearing a name recognized in the United States Pharmacopœia or National Formulary, and branded to show a different standard of strength, quality and purity shall not be deemed adulterated if it conforms to its declared standard. But it shall have the word "unofficial" to immediately precede its title-label and in the same size type; for example, "UNOFFICIAL TINCTURE OPIUM," together with a correct and sufficient statement as to wherein the unofficial product differs from the standard of strength, quality, or purity required in the Pharmacopœia or National Formu-

lary. This ruling, however, shall not be construed to permit substitutes or imitations. As, for example, if any substance is substituted for opium, in whole or in part, it must not be labeled "UNOFFICIAL TINCTURE OPIUM."

RULE 204. In order to more fully carry out the intent and purpose of the law regarding substitution, manufacturers may file with the director of the food and drug bureau of the State board of health distinctive tests for the identification of purity and strength of their respective products. And if after verification they shall be found true and correct, the director may adopt same for the particular products to which such tests are intended to apply.

RULE 205. No drug products, whether simple, mixed, or compounded, with or without "distinctive names," are required to bear the name of the manufacturer or producer, or the place where manufactured or produced. In all cases where the name of the party or place is stated upon the label, such name must be the true name of the actual manufacturer, producer, or packer and the true name of the place where the article was manufactured, produced, or packed.

RULE 206. If, for trade reasons, a name or a place be given upon the label of drugs manufactured or packed for any person, firm, or corporation by another person, firm, or corporation, one of two forms of labels is allowed, viz:

(a) The name of the actual manufacturer or packer and the place where the goods were actually manufactured or packed may be given; or

(b) The name of the person, firm, or corporation for whom the goods are manufactured or packed or by whom they are distributed may be given, if preceded by the words "Prepared for," "Manufactured for," "Distributed by," etc. The phrase "Sold by" is not sufficient. This rule holds even if the formula or prescription be furnished or owned by the parties for whom the goods are manufactured or packed.

RULE 207. No drug or preparation of drugs shall be sold or offered for sale or kept in stock which contains any statement on the label, carton, or wrapper, or in any accompanying literature, as to the medicinal value of the drug or combination of drugs which is untrue.

RULE 208. A drug or preparation of drugs, except in the case of physicians' prescriptions, or drug or preparation of drugs recognized in the United States Pharmacopœia or National Formulary, is misbranded in case it fails to bear a statement on the label of the maximum quantity or proportion which shall not vary materially from the quantity claimed of any alcohol, morphine, opium, cocaine, heroin, alpha, or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative, or any preparation of any such substances that is contained therein.

The words alcohol, morphine, opium, etc., in quantities or proportions thereof, which is required to be stated in the label in accordance with paragraph 4 of section 7 of the food and drug law, shall be plainly written or printed in letters corresponding in size to 8-point (brevier) caps where the size of the package will permit. In case the size of the package is too small for such type the size of the type may be reduced proportionately.

RULE 209. If the true formula is printed on the package or label of a drug in type defined in the regulation, or plainly written on the label, it shall be deemed to comply with the law. The term "alcohol" is defined to mean ethyl alcohol, of the degree of refinement required in the Pharmacopœia. No other kind of alcohol is permissible in the manufacture of drugs except as specified in the above.

RULE 210. Where a dealer has preparations on his shelves containing substances as enumerated in the law which are required to be named on the label, and which are not so named on the label, and where it is found impossible for

the dealer to obtain from the manufacturer the percentages of any of these substances contained therein, and where request is made from a sufficient number of druggists in different sections of the State regarding a drug product, the director of the experiment station shall procure samples of said drugs and determine by analysis the amount of alcohol, cocaine, opium, etc., contained in any such drug product and furnish the dealer the necessary data to be placed on said labels. Any such analysis placed upon the label of any drug shall not bear the name of the analyst nor the name of the experiment station. Dealers must make application for such request before July 1, 1919.

RULE 211. The use of saccharin and saponin is absolutely forbidden in the preparation of any drug, food, or beverage intended for human consumption.

Food and Drug Act—Enforcement of Portion Relating to Drugs. (Reg. Bd. of H., May 12, 1919.)

RULE 196. All matters pertaining to the enforcement of the drug section of the food and drug act will be referred to a committee of the president and secretary of the State board of pharmacy, the president and secretary of the State board of health, and the drug inspector of the State board of health with power to act with this board. This committee will report to the board and its action will be ratified by it.

Common Towels, Common Drinking Cups, and Common Eating and Drinking Utensils—Prohibited in Public Places. (Reg. Bd. of H., May 12, 1919.)

RULE 192. Common towel forbidden.—No person, firm, or corporation owning, in charge of, or in control of any lavatory or wash room in any hotel, lodging house, restaurant, factory, store, office building, railway or trolley station, or public conveyance by land or water shall provide in or about such lavatory or wash room any towel for common use. The term "common use" in this regulation shall be construed to mean for use by more than one person without cleansing.

RULE 193. Common drinking cups and drinking and eating utensils forbidden.—The use of common drinking cups, and of common drinking or eating utensils in any public place or public institution, except in hospitals for the insane, or in any hotel, saloon, lodging house, theater, factory, store, school, or public hall or in any railway or trolley car or ferry boat; or in any railway or trolley station or ferry house; or the furnishing of any such common drinking cup or drinking or eating utensil for common use in any such place is prohibited.

The term "common use" in this regulation shall be construed to mean for use by more than one person without adequate cleansing.

Spitting—Prohibited in Public Places. Coughing and Sneezing—Nose and Mouth to be Covered. (Reg. Bd. of H., May 12, 1919.)

RULE 191. Spitting upon the floor of schools, courthouses, or other public buildings or buildings used for public assemblage, or upon the floors, walls, or platforms or any part of any railroad or trolley car or stations or boat, or any other public conveyance, is forbidden. In order to prevent the conveyance of infective material to others, all persons are required, in coughing and sneezing, properly to cover the nose and mouth with a handkerchief or other protective substitute. It shall also be the duty of every person to observe all such regula-

tions as may be issued by the State board of health to prevent the transfer of infective material from the nose and mouth.

RULE 197. No person shall spit upon the floors, walls, or entrances of any courthouse, schoolhouse, church, or other place of public assembly, upon the sidewalks of any city or town, or upon the floors, walls, or platforms of any railroad or trolley car or station.

Hotels, Restaurants, Public Eating Places, Etc.—Sanitary Regulation. (Reg. Bd. of H., May 12, 1919.)

RULE 154. *Care of dishes and containers; linen; cooks and waiters; food so prepared and served as to be attractive and digestible; soft-drink and lunch stands.*—A person or corporation engaged in the preparation or sale of food in any hotel, public restaurant, public dining room, dining car, or steamboat in this State, or an officer of any public, penal, or charitable institution in this State, shall not use in the preparation or service of any food utensils, dishes, or other containers which have not been previously cleansed in a sanitary manner, and shall not serve any food or beverage which is not prepared of clean, wholesome ingredients properly cooked so as to be digestible, nor shall the table linens in any such place be soiled at time of service of meals, and where table linens are not provided the surface of tables and counters shall be so constructed that they can be kept clean and be of uniform color. Cooks and waiters shall be clean in person and wear clean clothing, must carefully wash their hands before cooking or serving any article of food or meal, and must keep their hands from contact with any article of food after it is cooked so far as possible. Tables and dining rooms shall be kept clean at all times, and food shall be served in an attractive manner so as to aid in its digestion. This rule applies equally to soda fountains, soft-drink and lunch stands of all kinds.

RULE 155. The sanitary condition of the hotel kitchen, dining room, cellar, office, ice boxes, and all places where foods are kept, prepared, or stored shall be literally observed. Places and receptacles where food is kept or stored are required to be kept insect, mouse, and rat proof and properly screened. Serving tables, trucks, trays, boxes, buckets, knives, saws, cleavers, and other utensils and machinery used in moving, handling, cutting, chopping, mixing, or serving foods are required to be thoroughly sterilized daily by hot water or steam and thorough cleansing, and the clothes and hands of cooks, stewards, and waiters to be clean and sanitary. Canned goods, when opened, or prepared foods containing any of the fruit acids are not permitted to be stored in tin or zinc containers.

RULE 156. No beds, bedding, cots, or other furniture used for sleeping purposes shall be used or stored in the kitchen or other places where food is stored, kept, or prepared in restaurants, hotels, or other public eating places. All bedrooms in hotels, restaurants, or other public eating places shall be kept tightly partitioned and kept closed from any place where food is prepared and stored. No door from a bedroom in hotels, restaurants, and other public eating places shall enter directly into the kitchen or place where food is prepared for the public. Lunch counters in connection with a barber shop are prohibited unless the barber shop is tightly partitioned without door or other connection from such eating place.

RULE 157. *Covered garbage cans; contents removed daily.*—All garbage and kitchen refuse must be kept in tight cans, with a metal cover encircling the

top of the can, and which, with tin cans, paper, and other trash, must be removed once daily.

[No rule 158.]

RULE 159. Cold-storage eggs to be indicated on menu cards.—No eggs which have been kept in cold storage or refrigeration shall be served to the patrons of any hotel or restaurant without notice on the bill of fare, or verbally if no bill of fare is used, that such eggs have been so kept.

RULE 160. The dining room and kitchen of all hotels, restaurants, and boarding houses shall be fitted with self-closing wire-screen doors and window screens of not coarser than 14-mesh gauze and the flies actually kept out, and no food to be served in such rooms shall be exposed outside of such rooms or in transit without full protection against flies, dust, or other contamination.

RULE 161. Proper windows imperative.—There shall be at least one window in each room opening to the outside of the house or to a roomy well-lighted court, which may be raised and lowered at the convenience of the guest, at least one door opening into a hallway or to the outside of the house with a transom over the door extending the full width of the same, and not less than 12 inches in height, the windows to be kept in good order at all times, so that they may be raised or lowered at the convenience of the guest, thus affording sufficient daylight and ventilation for the health and comfort of those occupying such room, and no room shall be let or even furnished as a bedroom which does not meet these requirements.

RULE 162. Heating.—For the "comfort and safety of the guests," all hotels, restaurants, rooming houses and apartment houses must be properly heated in the wintertime and during the cool or cold weather in late fall and early spring seasons. Heat in sitting rooms of places under the hotel department must be provided during the above-mentioned seasons, if the weather is such as to make it necessary, or guests request their rooms to be heated.

RULE 163. Floors and woodwork; washbowls.—For washing the floors and woodwork in the halls, offices, dining room, sleeping rooms, kitchen or other rooms and closets, and for general disinfection of the chambers, washbowls, and water pitchers, a good scouring soap or powder and warm water containing two ounces of creolin or lysol to each six quarts of warm water will aid in keeping such vessels, rooms, and furniture in a condition favorable to the health and comfort of the guests of such hotel.

RULE 164. Infected rooms.—Whenever a room has been occupied by a guest sick with or exposed to any communicable disease, it shall be completely fumigated in accordance with the directions of the local health officer before being occupied by another guest.

RULE 165. Vermin.—Whenever a room in a hotel is infested with bedbugs or other vermin, such means of extermination may be used as may be found expedient by the proprietor, but must be continued until all evidences of such vermin or bedbugs are removed; and when fumigation and disinfection are required, the following practical method will be found beneficial:

Instructions for disinfecting a room.—First seal up the openings in the room to be fumigated by stuffing cotton or linen strips into the cracks of the windows, doors, and transoms; also stop up chimney holes, if any; then take an enameled vessel of not less than 6-quart capacity, and for each 1,000 cubic feet of air space in the room use 4 fluid ounces of 40 per cent formaldehyde. Place the vessel in the center of the room and put the formaldehyde into it; then when everything is in readiness for a hurried exit, put one-half ounce of permanganate of potassium into the formaldehyde and get out of the room and close up the door tightly. Allow the room to remain thus sealed for six hours,

after which the room should be opened—all the doors and windows—to allow a free circulation of air and sunlight, continued for at least six hours. During such fumigation the bedding and mattresses should be placed over chairs or hung up endwise, so that the fumes may pass through and around each piece.

RULE 166. Sewer connections; septic tank privies.—All hotels and restaurants in this State, not located upon a line of and actually connected with an approved system of sewers, shall, on or before November 1, 1919, be provided with septic tank sanitary privies, with which toilet and bathrooms and closets shall be connected where water supplies for flushing purposes are available, or for outdoor privies where such water supplies do not exist, proportioned in size and arrangement to the number and sex of the persons likely to use them; such tanks to be located near by but below the level of or draining away from or as remote as possible from the nearest wells or springs, such tanks to be modeled after those of the Kentucky sanitary privy, or some other plan approved by the State board of health. Some reliable person shall be designated and held responsible for the duty of enforcing the printed instructions which will be furnished by the board for posting in each of such toilet or privy rooms.

RULE 167. Hearings and appeals.—When any person, firm, or corporation conducting a hotel or restaurant in this State shall make an appeal from an order of an officer or inspector of the State board of health directing said person, firm, or corporation to abate any condition or violation of the statutes or of these rules, it shall file notice in writing of such appeal with the State board of health at its office within 10 days after the service of the order. Thereupon the State board of health shall designate a person in its employ who shall hear such appeal and he shall take such evidence by affidavit, by witnesses presented or otherwise as will best bring out the facts after giving due notice to the parties concerned. Upon the completion of this investigation he shall report in writing to the State board of health, which shall notify the person, firm, or corporation of its finding as provided by the statutes. (Subsec. 5, sec. 2059, Kentucky Statutes.)

Hotels, Restaurants, Schools, Etc., not Connected with Sewer—Septic Tanks or Privies Required. (Reg. Bd. of H., May 12, 1919.)

RULE 201. All hotels, restaurants, health resorts, courthouses, schoolhouses, railway and trolley stations, and other places of public resort and use, not on a line of and actually connected with an approved system of sewers, shall, on or before November 1, 1919, construct sanitary septic tanks, with which toilet and bath rooms and closets shall be connected, where water supplies for flushing purposes are available, or for outdoor privies where such water supplies do not exist, proportioned in size and arrangement to the number and sex of the persons likely to use them; such tanks to be located near the house, but below the level of, or draining away from, or as remote as possible from the nearest well or springs; such tanks to be modeled after those of the Kentucky sanitary privy, or some other plan approved by the State board of health. Some reliable person shall be designated and held responsible for the duty of enforcing the printed instructions, which will be furnished by the board for posting in each of such toilet or privy rooms. This form of tank and privy, not being patented, is inexpensive if constructed and operated in strict accordance with instructions, and has been adopted and is in extensive use in many other States and countries. Bulletins with plans and full directions will be sent free upon application.

Coffins—Sale. (Reg. Bd. of H., May 12, 1919.)

RULE 199. No person, firm, or corporation shall sell or furnish any coffin or casket for the burial or other disposition of dead bodies unless the purchaser shall present at the time of the transaction a burial permit duly signed by a local or deputy registrar of vital statistics: *Provided*, That this rule shall not apply to persons, firms, or corporations engaged in the wholesale selling of coffins or caskets or manufacturers of same.

Dead Bodies—Transportation. (Reg. Bd. of H., May 12, 1919.)

RULE 212. The transportation of bodies dead of smallpox or bubonic plague is absolutely prohibited.

The transportation of bodies dead of Asiatic cholera, yellow fever, typhus fever, diphtheria (membranous croup), scarlet fever (scarlatina, scarlet rash), erysipelas, glanders, anthrax, or leprosy shall not be accepted for transportation unless prepared for shipment by being thoroughly disinfected by (a) arterial and cavity injection with an approved disinfecting fluid, (b) disinfection and stopping of all orifices with absorbent cotton, and (c) washing the body with a disinfectant, all of which must be done by licensed embalmer holding a certificate as such, issued by the State Board of Embalming of Kentucky.

After being disinfected as above, such bodies shall be enveloped in a layer of dry cotton not less than 1 inch thick, completely wrapped in a sheet securely fastened and incased in an air-tight zinc, copper, or lead-lined coffin, or iron casket, all joints and seams hermetically sealed, and all inclosed in a strong, light wooden box, or the body being prepared for shipment by disinfecting and wrapping as above may be placed in a strong coffin or casket, incased in an air-tight zinc, copper, or tin-lined box, all joints and seams hermetically soldered.

RULE 213. The bodies of those dead of typhoid fever, puerperal fever, tuberculosis, or measles may be received for transportation when prepared for shipment by arterial and cavity injection with an approved disinfecting fluid, and washing the exterior of the body with the same, which must be done by a licensed embalmer holding a certificate as provided for in rule 212.

RULE 214. The bodies of those dead from any cause not stated in rule 212 may be received for transportation when incased in a sound coffin, or casket, and inclosed in a strong outside wooden box, provided they can reach their destination within 30 hours from the time of death. If the body can not reach its destination within 30 hours from the time of death, it must be prepared for shipment by arterial and cavity injection with an approved disinfecting fluid, and washing the exterior of the body with the same, by a licensed embalmer, as defined and directed in rule 212.

RULE 215. In the shipment of bodies dead from any disease named in rule 212 such body must not be accompanied by persons or articles which have been exposed to the infection of the disease unless certified by the health officer as having been properly disinfected.

Before selling tickets, agents should carefully examine the transit permit and note the name of the passenger in charge, and of any others proposing to accompany the body, and see that all necessary precautions have been taken to prevent the spread of the disease. The transit permit shall in such cases specifically state who is authorized by the health authorities to accompany the remains. In all cases where bodies are forwarded under rule 212 notice must be sent by telegraph by the shipping undertaker to the health officer, or, when there is no health officer, to other competent authority at destination, advising the date and train on which the body may be expected.

RULE 216. Every dead body must be accompanied by a person in charge, who must be provided with a passage ticket and also present a full first-class ticket marked "corpse" for the transportation of the body, and a transit permit showing physician's, or coroner's certificate, name of deceased, date and hour of death, age, place of death, cause of death, and all other items of the standard certificate of death recommended by the American Public Health Association and adopted by the United States Census Bureau, as far as obtainable, whether a communicable or noncommunicable disease, the point to which the body is to be shipped, and when death is caused by any of the diseases specified in rule 212, the names of those authorized by the health authorities to accompany the body. Also the undertaker's certificate as to how the body has been prepared for shipment. The undertaker's certificate and paster shall be detached from the transit permit and securely fastened on the end of the coffin box. All coffin boxes must be provided with at least four handles. The physician's certificate and transit permit shall be placed in an envelope, which envelope is to be securely tacked on the coffin box.

RULE 217. When bodies are shipped by express a rapid-transit permit must be made out as described in rule 212. The undertaker's certificate and paster shall be detached from the transit permit and securely fastened on the coffin box. The physician's certificate and transit permit shall be attached to and accompany the express waybill covering the remains, or placed in an envelope, which envelope is to be securely tacked on the coffin box and be delivered with the body at the point of destination to the person to whom it is consigned.

RULE 218. Every disinterred body, dead from any disease or cause, shall be treated as infectious or dangerous to the public health and shall not be accepted for transportation unless said removal has been approved by the State or provincial health authorities having jurisdiction where such body is disinterred and the consent of the health authorities of the locality to which the corpse is consigned has first been obtained; and all such disinterred remains, or the coffin or casket containing the same must be wrapped in a woollen blanket thoroughly saturated with a 1 to 1,000 solution of corrosive sublimate and inclosed in a hermetically soldered zinc, tin or copper-lined box. But the bodies deposited in receiving vaults shall not be treated and considered the same as buried bodies when originally prepared by a licensed embalmer as defined in rule 213, and as directed in rule 214 (according to the nature of the disease causing death), provided shipment takes place within 30 days from time of death. The shipment of bodies prepared in the manner above directed by licensed embalmers from receiving vaults may be made within 30 days from the time of death without having to obtain permission from the health authorities of the locality to which the body is consigned. After 30 days the casket or coffin containing said body must be inclosed in a hermetically soldered box.

Barbers and Barber Shops, Manicures, and Chiropodists—Regulation. (Reg. Bd. of H., May 12, 1919.)

RULE 194. Barbers and barber shops.—Every barber or other person in charge of any barber shop shall keep such barber shop at all times in a clean and sanitary condition.

No person shall act as a barber who is affected with syphilis in the infective stage or with any other communicable disease enumerated in this code, in an acute form, or with any communicable affection of the skin.

The hands of the barber shall be washed with soap and water before serving each customer.

No shaving or lather brush shall be used in any barber shop unless the hair or bristles thereof have been immersed for one hour in a solution of 1 to 1,000 corrosive sublimate as a safeguard against anthrax germs.

Brushes and combs shall frequently be cleansed with soap and water.

Shaving mugs and brushes shall be thoroughly rinsed after each use thereof.

There shall be a separate clean towel for each customer. The head rest shall be covered by a clean towel or paper.

Alum or other material used to stop the flow of blood shall be applied in powdered or liquid form only.

After the handling of a customer affected with any eruption, or whose skin is broken out, or is inflamed or contains pus, the hands of the barber shall be immediately disinfected. This shall be done by thorough washing with soap and water, followed by rinsing in alcohol (70 to 80 per cent) or in a solution of corrosive sublimate (1 to 1,000), or by the use of some equally efficient disinfectant.

The instruments used for a customer affected with any of the above named disorders shall be made safe immediately after such use by washing with soap and water and dipping for one minute in a 10 per cent solution of commercial (40 per cent) formalin; or dipping for three minutes in alcohol (70 to 80 per cent), or by use of some equally efficient disinfectant.

No cup or brush which has been used in the shaving of a customer affected with any of the above infectious disorders of the face shall be used for another customer unless the cup shall have been emptied and cleansed by boiling water and furnished with fresh soap, and the brush has been sterilized by a three minutes' exposure to alcohol (70 to 80 per cent), or to a corrosive sublimate solution (1 to 1,000), or by the use of some equally efficient disinfectant.

RULE 195. *Manicures and chiropodists.*—The utensils and instruments employed by manicures and chiropodists in pursuit of their occupations shall be kept in a clean and sanitary condition.

After serving customers affected with a visible skin disease the hands and instruments of the operators shall be immediately cleansed and sterilized. Every barber or other person in charge of any barber shop or place where manicuring or chiropody is done shall post a copy of this and the preceding rule in such shop.

Hogs—Keeping. (Reg. Bd. of H., May 12, 1919.)

RULE 198. No hogs shall be kept or fed in confinement, or permitted to run loose on the streets, within any incorporated city or town, or within a half mile of the limits thereof; both city and county boards of health, within their respective jurisdiction, may grant permits for the keeping of hogs upon lands actually in use as farms or pastures where the space and the cleanliness constantly maintained are such as to prevent offensive odors or other conditions inimical to the health or comfort of persons living adjacent to such lands or fields.

Manure—Disposal. (Reg. Bd. of H., May 12, 1919.)

RULE 200. The manure from every public and private stable and the yards connected therewith located within the corporate limits of any incorporated town or city, or within half a mile of the boundaries thereof, shall be gathered and stored in fly-proof, compact bins, or hauled away and broadly scattered on the fields and gardens, once each week, from April 1 to November 1, each year, in order to stop the breeding of flies as a health measure.

Railroad Cars—Cleaning and Disinfection—Spitting and Spittoons. Railroad Stations—Spitting and Spittoons—Privies. (Reg. Bd. of H., May 12, 1919.)

RULE 168. *Care of day coaches; rugs, mattings, and seats.*—All day coaches engaged for regular or interurban travel shall be thoroughly cleansed after each trip at such points as facilities for same have been provided, or are ordered by the State board of health. In no case shall such cleansing be less frequently performed than on every third day of use. In such cleansing, all rugs, mattings, and upholstered seats and back rests when practicable shall be removed from the coach to the open air for mechanical cleansing, and be exposed to sunlight when the prevailing meteorological conditions will permit.

RULE 169. *Method of cleansing.*—All interior surfaces in coaches are to be mopped, scrubbed, or cleansed, at intervals of not more than 10 days, with solutions of mercury bichloride, carbolic acid, tricreosol, or other disinfecting preparation preferred by any corporation and approved by this board as to ingredients and strength.

RULE 170. *Antispitting provision; all trainmen made inspectors.*—Spittoons are to be provided in numbers of not less than one for each seat in all smoking cars and toilet rooms, and one at each end of all other day coaches and in all waiting rooms. Placards provided by this board shall be displayed at each end of all such coaches and in all waiting rooms, indicting the importance of using the spittoons, and it shall be a violation of these rules for any person or upon the floor of any waiting room or platform in any station or depot: all conductors and other train and station men within this Commonwealth are hereby appointed special sanitary inspectors of the State board of health to assist in securing the proper enforcement of this rule.

RULE 171. *Treatment of infected coaches.*—All coaches of any kind in which an acute infectious disease has been carried shall remain closed and unoccupied after such person has been removed until it has been thoroughly cleansed and disinfected. All day coaches in regular use for through travel are to be disinfected after cleansing, by some method approved by this board, at intervals of not more than 10 days.

RULE 172. *Care of toilet rooms; disinfected after each trip.*—All toilet rooms, water-closets, urinals, spittoons, and toilet appliances are to be scrubbed with soap and hot water and disinfected with formalin, or other approved methods, after each trip's use, and kept as clean as possible when on the road and all similar rooms and appliances in stations shall be cleansed daily in the same way.

RULE 173. *Apply to sleeping, chair, and dining cars.*—All preceding regulations in regard to cleanliness and disinfection shall apply equally to sleeping, dining, buffet, and parlor cars used in the service of the public.

RULE 174. *Blankets, hangings, and mattresses to be disinfected each 10 days.*—All blankets, curtains, and hangings used in sleeping cars shall be exposed to superheated steam or other means of disinfection, approved by this board, at intervals of not more than 10 days, and all mattresses shall be so treated at intervals of not more than 30 days.

RULE 175. *Spittoons for upper berths.*—In each sleeping car there shall be carried spittoons of any approved sanitary type meeting the approval of this board, which shall, upon the occupancy of any upper berth, be placed therein by the car attendant, whose duty shall also be to notify the occupant of its readiness for use. Owners of sleeping cars must provide proper supports and buckets for such spittoons.

RULE 175½. *Sweeping of cars.*—No railway or sleeping-car company operating cars within the limits of this State shall permit, and no porter or other

employee shall sweep any such car while en route or occupied by passengers, or shall brush or dust the clothing or belongings of passengers in the aisles or body of the cars while so occupied.

RULE 176. Sewer connections; septic tank privies.—All railway and trolley depots or stations in this State not located upon a line of and actually connected with an approved system of sewers, shall on or before November 1, 1919, be provided with septic tank privies upon or convenient to their premises, proportioned in size and arrangements to the number and sex of the persons likely to use them; such tanks to be located near by, but below the level of, or draining away from, or as remote as possible from, the nearest wells and springs, such tanks to be modeled after those of the Kentucky sanitary privy or some other plan approved by the State board of health. Some reliable person shall be designated and held responsible for the duty of enforcing the printed instructions which will be furnished by the board to be posted in each room of the privy houses.

Theaters and Assembly Rooms—Ventilation, Heating, and Cleaning—May be Closed During Epidemic—Permit from State Board of Health Required. (Reg. Bd. of H., May 12, 1919.)

RULE 189. Moving-picture and other theater and assembly rooms shall be well ventilated, with ample provision for inlet of clean, fresh air, and for keeping it in motion during all performances. They shall be heated when necessary to between 68° and 75° F. The walls and floors shall be kept clean, and, at the discretion of the local board of health having jurisdiction, they may be closed by written order during any epidemic of disease likely to be spread by crowds. After August 1, 1919, no motion-picture or other theater or assembly room shall be built or used or occupied as such without first submitting plans by and securing a permit from the State board of health.

Housing Sanitation. (Reg. Bd. of H., May 12, 1919.)

RULE 190. Every person, firm, or corporation employing labor and providing housing for same, or for renting, leasing, or housing, shall provide for each house or group of houses a pure, abundant, and accessible drinking-water supply, shall prevent soil pollution by connection with or installation of a sanitary sewage system or by the installation of Kentucky sanitary privies, shall provide fly-proof screens for dining rooms and kitchens, and shall provide adequate housing room for each family. All plans for new installations and alterations of existing ones shall be submitted to the State board of health for approval of their sanitary conditions before beginning work on same, and owners of houses whose insanitary condition or surroundings cause disease to their inmates or neighbors shall be liable for the expense caused thereby.

Schools—Sanitary Supervision of, by Local Health Officers—Removal of Defects—Sanitary Privies Required for Schools not Connected with Sewer. (Reg. Bd. of H., May 12, 1919.)

RULE 72. *Health officers to exercise special supervision over.*—The county, city, and town health officers shall exercise special hygienic supervision over the schools and schoolhouses within their respective jurisdictions, and where defects are found it shall be the duty of said officers to immediately call the attention of the school authorities thereto and see that they have them removed, by legal action if necessary.

RULE 73. All schoolhouses not connected with sewers to be provided with septic tank privies.—All schoolhouses not connected with an approved system of sewers shall be provided with a Kentucky sanitary privy, proportioned in size to the number of persons likely to use it. The house on it to have one compartment for girls and one for boys, with a dead wall between them, located below the level of or draining away from or remote from the well or spring; to be under the charge of some reliable person to keep them constantly clean and provided with toilet paper, and who will daily pour at least 4 gallons of water through each hole in the seat and the urinal and follow the other printed instructions to be furnished by the board for posting in each privy.

Nuisances—Investigation and Abatement. (Reg. Bd. of H., May 12, 1919.)

RULE 182. Health officer to investigate.—The local health officer, upon receiving a complaint of the existence within his jurisdiction of a nuisance which may affect health, or is so offensive to the senses as to interfere with the comfort or enjoyment of life, or when the probable existence of any such nuisance comes to his attention, shall make an immediate and thorough investigation, and if such nuisance exists he shall take all measures within his power and authority to secure its abatement.

RULE 183. Duties of health officer on receipt of complaint.—The health officer shall within five days of the receipt of the complaint file with the local board of health:

(a) The complaint, if made in writing, or, if not made in writing, a summary thereof; or, if no complaint has been made, a statement of the facts; and

(b) A report showing—

(1) His findings.

(2) His opinion as to whether or not the conditions amount to a nuisance likely to affect health.

(3) The action, if any, taken by him; and

(4) Whether such nuisance has been abated.

RULE 184. Board to convene.—If said report of the health officer states that there is a nuisance likely to affect health which has not been abated, the local board of health shall convene promptly, investigate the alleged nuisance, and take the necessary steps provided by law for its abatement, or, within a reasonable time from the filing of the health officer's report, enter on its minutes its decision, giving its reason for not taking action.

RULE 185. Within 48 hours after the entry of such decision, the health officer shall forward a copy thereof to the State board of health, together with the original or copies of the papers filed by him with the local board.

RULE 186. Duty of health officer if board fails to act.—If, in the opinion of the State board of health, the conditions complained of constitute a nuisance likely to affect health and the abatement or removal thereof is necessary for the public good and for the protection of life and health, the said board may by notice to the presiding officer of the local board of health direct him to convene such local board to take certain definite proceedings concerning which the said board is satisfied that the action recommended by him [sic] is necessary for the public good and is within the jurisdiction of such local board of health.

RULE 187. Notice to convene board.—Upon the receipt of such notice from the State board of health, the presiding officer of the local board of health shall promptly convene such local board, which shall take the action directed by the said board.

RULE 188. The following shall be the form for the abatement of nuisances after they have been declared such by the local board of health having jurisdiction:

Office of the _____ County (or City) Board of Health.
_____, Ky., 19__

To _____, owner (or occupant) of _____
Under the authority conferred upon this board by section 2057 of the Kentucky statutes, you are hereby notified that after examination the board has decided that a nuisance dangerous to the public health (or source of filth or cause of sickness) exists on the above-described premises, as follows, _____, and under the express power and authority conferred by said statute you are hereby ordered to remove the same in _____ hours (days) after the service of this notice, which time this board has decided is a reasonable time for the removal of said nuisance (source of filth or cause of sickness), and you are warned that if you shall fail or neglect so to do that the law provides that you shall be fined not less than \$10 nor more than \$100, and that each day's continuance of such nuisance (or source of filth or cause of sickness) shall be a separate offense.

Done by the _____ County (or City) Board of Health at a meeting held at _____, Ky., at _____ o'clock a. m. (p. m.), _____, 19__, a quorum of said board being present and voting.

Secretary and Health Officer, _____ County.

Such notice shall be prepared in duplicate, and one copy shall be served on the owner or occupant of the property containing the nuisance, or source of filth, or cause of sickness, and one retained by the health officer, sheriff, or constable serving said notice, who shall note thereon the exact hour and day, and the manner in which and upon whom it has been served and when so served and noted, said copy shall be prima facie evidence that a nuisance exists on such premises as such notice recites.

Rules of State Board of Health—Publication. (Reg. Bd. of H., May 12, 1919.)

RULE 220. Each local board of health, county or city, shall procure the publication of such of the foregoing rules from time to time as will meet indications and emergencies that may arise, and as will best promote and protect the public health.

MAINE.

Tuberculosis—Notification of Cases. (Ch. 27, Act Mar. 8, 1919.)

R. S., c. 19, sec. 9; relating to reporting cases of tuberculosis, amended.—Section 9 of chapter 19 of the Revised Statutes is hereby amended by striking out in the third and fourth lines thereof the words "secretary of the State board of health" and inserting therefor the words "local board of health," so that the said section, as amended, shall read as follows:

SEC. 9. Cases to be reported to local board of health, instead of State board.—Tuberculosis is hereby declared to be an infectious and communicable disease, dangerous to the public health. Every physician in the State shall report in writing, to the local board of health within 48 hours after the fact comes to the knowledge of said physician, the name, age, sex, color, occupation, place where last employed, if known, and address of every person known by said physician to have tuberculosis. Such report shall be made on forms furnished by the State board of health. The name of the householder where the tuberculous person lives or boards, and such other facts as may be called for on the blank reports so furnished shall also be included in the report. The chief officer having charge for the time being of any hospital, dispensary, asylum, sanatorium, or other similar private or public institution in the State shall report to the State board of health in like manner the name, age, sex, color, occupation, place where last employed, if known, and previous address of every patient having tuberculosis who comes into his care or under his observation, within 48 hours thereafter. Such physician or chief officer shall also give notice to the secretary of the State board of health of the change of address of any tuberculosis patient who is, or has lately been under his care if he is able to give such information.

Ophthalmia Neonatorum—Person Having Charge of Infant to Notify Physician—Preventive Treatment. (Ch. 164, Act Apr. 3, 1919.)

R. S., c. 19, sec. 121; relating to the prevention of blindness in infants.—Section 121 of chapter 19 of the revised statutes is hereby amended by adding thereto at the end of the first sentence thereof the following: "Every physician, midwife, nurse, or other person in charge, shall instill, or cause to be instilled into the eyes of the infant immediately upon its birth one or two drops of a prophylactic solution prescribed by the State department of health," so that the said section, as amended, shall read as follows:

SEC. 121. Physician, midwife, or nurse to instill into eyes of infant prophylactic solution immediately following birth; penalty for violation.—If one or both eyes of an infant become reddened or inflamed at any time within four weeks after birth, the midwife, nurse, or person having charge of said infant shall report the condition of the eyes at once to some legally qualified practitioner of medicine of the town in which the parents of the infant reside. Every physician, midwife, or nurse in charge shall instill or cause to be instilled into the eyes of the infant immediately upon its birth one or two drops of a pro-

phylactic solution prescribed by the State department of health, unless either parent or the guardian of the infant shall offer conscientious objections thereto. Any failure to comply with the provisions of this section shall be punishable by a fine not to exceed \$100, or imprisonment not to exceed six months.

Syphilis—Marriage of Infected Persons Unlawful—Duties of Physicians—Power of Local Health Authorities. (Ch. 41, Act Mar. 12, 1919.)

SECTION 1. Syphilitic persons not to marry.—No person having syphilis shall marry until he has a certificate from the attending physician or physicians that he is cured of syphilis. The State board of health is hereby empowered to make regulations prescribing the methods to be employed in diagnosing said disease.

SEC. 2. Physicians to keep record of syphilitic cases; shall notify health officer of intention of persons so affected to marry.—Every physician shall keep a record of all cases of syphilis that come under his observation and care, and shall use reasonable means to ascertain the intentions of syphilitic patients as to marriage. The physician shall warn said patients of the legal, moral, and physical evils of marriage contracted by them. If the physician learns that a patient as aforesaid has filed intentions of marriage as required by law, or if the physician believes that the patient as aforesaid intends to marry, the physician shall notify the local board of health or the health officer in the town or city in which the patient resides, who are hereby empowered to notify the other party to the intended marriage.

SEC. 3. Penalty for violations; court jurisdiction.—Any person failing to comply with the provisions of sections 1 and 2 and any physician making a certificate as aforesaid falsely shall be punished by imprisonment for not less than three months nor more than one year or by fine of not more than \$500 or less than \$200 or both. Municipal and police courts and trial justices shall have jurisdiction of the above concurrently with superior and supreme judicial courts.

Persons Convicted of Violating Law Against Prostitution, Lewdness, or Assignment—Medical Treatment when Venereally Infected—Examination for Venereal Disease. (Ch. 112, Act Mar. 27, 1919.)

SEC. 4. * * *

(b) Parole for violators affected with venereal disease.—That probation or parole shall be granted or ordered in the case of a person infected with venereal disease only on such terms and conditions as shall insure medical treatment therefor and prevent the spread thereof, and the court may order any convicted defendant to be examined for venereal disease.

Tuberculous Soldiers, Sailors, and Marines—Construction of Buildings Authorized for Care and Treatment of. (Ch. 145, Resolve Apr. 3, 1919.)

Tubercular soldiers, sailors, and marines, erection of building for treatment at Hebron or Fairfield.—*Resolved*, That in order to care for and treat soldiers, sailors, and marines returning from service in the present war who are affected with tuberculosis, the board of trustees for tuberculosis sanatoriums may, with the approval of the governor and council, erect and equip either at Hebron or at Fairfield at a cost not exceeding \$40,000, such new buildings or addition to present buildings as shall be necessary therefor and there is hereby appropriated from any money raised for aid to dependent families of soldiers, sailors, and marines, a sufficient sum to carry out the purposes of this resolve.

State Board of Health—Local Boards of Health Under Control of—Regulations by—Annual Appropriations. Local Health Officers—Employment Required—Appointment and Duties—State Aid Under Certain Circumstances—Several Municipalities May Unite in Employing Same Health Officer. (Ch. 172, Act Apr. 4, 1919.)

SECTION 1. *1917, c. 197, sec. 8; relating to annual appropriation for State department of health, amended.*—Section 8 of chapter 197¹ of the public laws of 1917 is hereby amended by striking out the word "thirty" in the first line thereof and inserting in place thereof the word "thirty-eight"; also by striking out the words "State department of health" in the second and third lines of said section and by inserting in place thereof the words "for the purposes set forth in sections 1 to 6, inclusive, and section 7 of said act," so that, as amended, said section shall read as follows:

SEC. 8. *Annual appropriation for purposes of seven preceding sections increased to \$38,000.*—The sum of \$38,000 shall be annually appropriated for the purposes set forth in sections 1 to 6, inclusive, and section 7 of said act.

SEC. 2. *1917, c. 197, sec. 10; repealing inconsistent statutes and relating to penalties, amended.*—Chapter 197 of the public laws of 1917 is hereby amended by striking out the whole of section 10 thereof and by adding to said chapter the following sections, to read as follows:

SEC. 10. *Municipalities required to employ local health officer; State commissioner to appoint in case of failure; State aid under certain circumstances.*—Every city, town, and organized plantation shall employ an official who shall be known as the local health officer and who shall be appointed by the officers of the municipality, subject to the approval of the State commissioner of health. Upon the failure to fill said office as hereinbefore stated within 30 days after a vacancy occurs therein the State commissioner of health may appoint said official. The local health officer shall be ex-officio a member and the executive officer of the local board of health, or at the option of the municipal officers, may take the place of the local board of health. He may be employed to devote a part or all of his time to the performance of the duties of his office. If employed to give his entire time and if he possesses the qualifications of a district health officer as stated in section 6 hereof, or is approved by the State health commissioner on the basis of experience in public health administration, the State department of health is authorized and directed to pay from money appropriated to said department of health for said purpose one-third of the total salary of said official, not to exceed \$800 a year, payment to be made directly by the State to said local health officer.

SEC. 11. *Municipalities may combine into districts; State aid.*—Subject to the approval of the State health commissioner, several adjoining towns, cities, or organized plantations may unite in employing the same local health officer, who shall possess the qualifications of a district health officer as stated in section 6 hereof, or is approved by the State health commissioner on the basis of experience in public health administration, shall devote his entire time to the performance of his duties, and shall receive one-third of his salary, not to exceed \$800 a year, from the State.

SEC. 12. *Duties of local health officers.*—Said local health officers shall assist in the reporting, prevention, and suppression of diseases and all conditions dangerous to health, and shall be subject to the supervision and direction of the State department of health.

SEC. 13. *Local boards under control of State department.*—The powers vested in local boards of health by authority of section 45 of chapter 19 of the revised

¹ Supplement No. 37 to Pub. Health Repts., p. 195.

statutes shall be exercised under the control and direction of the State department of health.

SEC. 14. State department to promulgate rules and regulations; in case of epidemics.—The State department of health shall from time to time make and publish such orders and regulations as they shall think necessary and proper for the protection of life and health and the successful operation of the health laws of this State, which said orders and regulations shall be published in such manner as said department of health directs. In case of emergency or threatened epidemic of disease which may affect more than one city, town, or plantation, the State department of health, if it shall appear to them necessary and proper for the protection of life and health, may make such further orders and regulations as in their opinion the public exigency may require.

SEC. 15. Penalties and jurisdiction.—Whoever violates any provision of the preceding sections, or any order or regulation made thereunder, shall be punished by a fine of not less than \$10 nor more than \$100 for each offense. Municipal and police courts and trial justices shall have jurisdiction of all offenses under this act.

SEC. 16. \$30,000 appropriated annually for provisions of secs. 6, 10, 11, 12, and 13.—The sum of \$30,000 shall be appropriated annually to the State department of health for the purpose of carrying out the provisions of sections 6, 10, 11, 12, and 13.

SEC. 17. Inconsistent acts repealed; penalties in force.—All acts and parts of acts inconsistent herewith are hereby repealed, but it is expressly provided that all penalties now provided by law for the violation of the public health laws and regulations shall continue in force.

SEC. 18. Supplemental sections relative to local health officers, etc., not effective until January 1, 1920.—Section 2 of this act shall take effect January 1, 1920.

SEC. 3. 1917, c. 301, supplemental to R. S., c. 19; relating to appropriation for suppression of venereal diseases, amended.—Chapter 19 of the revised statutes, as amended by section 131 of chapter 301² of the public laws of 1917, is hereby amended by striking out all of said section after the word "appropriated" in the second and third lines of said section and by inserting in place thereof the words "the sum of \$8,000 annually," so that, as amended, said section shall read as follows:

SEC. 131. \$8,000 appropriated annually.—For the purpose of enabling the State board of health to carry out the provisions of this act there is hereby appropriated the sum of \$8,000 annually.

Milk and Dairy Products—Publication of Results of Analyses—Registration of Milk Dealers. (Ch. 66, Act Mar. 17, 1919.)

SECTION 1. R. S. c. 37, sec. 3; relating to the publication by commissioner of agriculture of results of analyses of milk and dairy products, amended.—Section 3 of Chapter 37 of the Revised Statutes is hereby amended by striking out the word "shall" in the second line thereof and inserting in its place the words "may, in his discretion," so that said section, as amended, shall read as follows:

SEC. 3. Discretionary with commissioner as to publication of analyses.—The commissioner of agriculture may, in his discretion, publish the results of all analyses with the names of the persons, firms, corporations, associations, and societies from which the samples analyzed were taken, together with such suggestions as he may deem advisable, in the regular or special bulletins

² Supplement No. 37 to Pub. Health Repts., p. 193.

issued by the department of agriculture. He may also, in his discretion, issue each month a report of the results of all analyses, for distribution to such newspapers in the State as may request a copy.

SEC. 2. *R. S. c. 37, sec. 5; relating to the registration of milk dealers, amended.*—Section 5 of chapter 37 of the revised statutes is hereby amended by inserting after the word "year" in the sixth line thereof the words "apply to the commissioner of agriculture for registration," and by striking out the words "register with the commissioner of agriculture" in the sixth line thereof; also by inserting after the word "required" in the thirteenth line the words "and upon being satisfied that all milk is being produced and handled in a sanitary way and is from cows free from disease"; also by inserting after the word "vehicle" in the eighteenth line thereof the words "the commissioner may cancel the certificate of any dealer, who, after due hearing by the commissioner or his authorized agent, is found to be selling milk produced or handled under insanitary conditions, or milk from diseased cows"; also by inserting after the word "section" in the twenty-seventh line, the words "or to surrender his certificate to the commissioner when notified in writing that the same has been canceled and the reason given for cancellation"; also by inserting after the word "cream" in the second line, as so amended, the words "as a business"; also by inserting after the word "hearing" in the twenty-second line, as so amended, the words "on complaint," so that said section, as amended, shall read as follows:

SEC. 5. *Persons, firms, etc., dealing in milk or cream as a business to apply for registration on or before April 1 annually; commissioner may cancel registration after hearing on complaint by commissioner or agent when milk or cream handled in manner not sanitary or from diseased cows; penalty for refusing to surrender license when revoked.*—Any person, firm, corporation, association, or society who shall sell or deliver milk or cream as a business to any person from a wagon or other conveyance, depot, or store, or who shall sell or deliver milk to a hotel, restaurant, boarding house, or any public place, shall be considered a milk dealer within the meaning of this section, and shall on or before the 1st day of April in each year apply to the commissioner of agriculture for registration, furnishing such information as may be required, upon blanks issued and furnished by the commissioner to such persons as may request the same. Every such registration shall expire on the 1st day of April next after its issue and shall be granted only to the milk dealer owning or leasing the vehicle or place from which sales or supplies are to be made, and shall not be transferred. Upon receipt of the application for registration, containing the information required, and upon being satisfied that all milk is being produced and handled in a sanitary way and is from cows free from disease, the commissioner shall issue to the applicant a certificate of registration, which certificate shall be posted in a conspicuous place in the store or depot from which sale or supply is made, and the number of the certificate of registration for each wagon or other vehicle shall be placed in a conspicuous place on said wagon or other vehicle. The commissioner may cancel the certificate of any dealer who, after due hearing on complaint by the commissioner or his authorized agent, is found to be selling milk produced or handled under insanitary conditions or milk from diseased cows. If any person, firm, corporation, association or society desires to become a milk dealer, as provided by this section, before the 1st day of April in any year, he or they shall, prior to engaging in the business, register with the commissioner of agriculture, in the manner hereinbefore provided, for each place or vehicle from which sale or supply is to be made. Any dealer who neglects or refuses to register with the commissioner of agriculture, or to post certificates of registration in the store

or depot from which sale or supply is made, or to post the number of the certificate of registration on the wagon or other vehicle from which sale or supply is made, as provided in this section, or to surrender his certificate to the commissioner when notified in writing that the same has been canceled, and the reason given for cancellation, forfeits \$50, to be recovered in an action of debt, to be prosecuted in the name of the State by the county attorney for the county in which such violation has occurred; but the provisions of this section shall not apply to milk or cream delivered to a creamery or butter or cheese factory.

Milk and Cream Containers—Return or Delivery of, in Unclean Condition to Producer or Dealer Unlawful. (Ch. 7, Act Feb. 26, 1919.)

R. S., c. 37, sec. 35; relating to the placing of foul substances in milk containers, amended.—Section 35 of chapter 37 of the revised statutes is hereby amended by striking out all of said section and inserting in its place the following:

SEC. 35. Penalty increased and scope of section enlarged.—Whoever shall, by himself, or by his servant, or agent, or as a servant or agent of any other person, firm, or corporation, send, ship, return, or deliver, or cause, or permit to be sent, shipped, returned, or delivered to any producer of, or dealer in milk and cream, any can, jar, bottle, measure, or other vessel used as a container for milk and cream, containing any offal, swill, kerosene, vegetable matter, rotten or putrid milk, or any other offensive material shall be punished for the first offense by a fine of not less than \$1 nor more than \$5 for each can, jug, bottle, or jar so defiled; and for any subsequent offense by a fine of not less than \$2 nor more than \$20 for each can, jug, bottle, or jar so defiled.

Old Records of Births, Deaths, and Marriages—Compilation, Publication, and Distribution. (Ch. 33, Act Mar. 8, 1919.)

SECTION 1. *R. S., c. 64, sec. 42; relating to publication of ancient records of vital statistics, amended.*—Section 42 of chapter 64 of the revised statutes is hereby amended by striking out the words "secretary of state" in the tenth line thereof and inserting in place thereof the words "librarian of the State library," so that said section, as amended, shall read as follows:

SEC. 42. Purchase of compilation to be made by State librarian instead of secretary of state.—Whenever the record of the births, marriages, and deaths of any town in the State, previous to the year 1892, beginning at the very earliest date, shall be collected from church records, church registers, records of clergymen, family bibles, public records and other available sources, and shall be printed and verified in the manner required by the standing committee of the Maine Historical Society, under the editorship of some person selected by said committee, whose services shall be rendered free and without any compensation, and the work shall appear to them to have been prepared with accuracy, the librarian of the State library shall purchase 500 copies of such record at a price not exceeding 1 cent per page: *Provided*, That the written copies of the town records shall become the property of the State, and shall be deposited in the office of the register of vital statistics: *And provided further*, That not more than \$1,000 shall be expended by authority of this section in any one year.

SEC. 2. *R. S., c. 64, sec. 43; relating to distribution of volumes, amended; volumes now in office of secretary of state to be transferred to State library.*—Any volume of ancient vital records now on file in the office of the secretary of state shall be transferred to the State library and retained on file in said State library. Section 43 of chapter 64 of the revised statutes is hereby

amended by striking out the words "one copy to the office of secretary of state" in the third line thereof, so that said section as amended shall read as follows:

SEC. 43. *Secretary of state not to receive copy.*—The volumes purchased, as aforesaid, shall be distributed by the State registrar as follows: One copy to the State library; one copy to the free public library of each town and city of the State; one copy to each State and Territorial library in the United States; one copy to the Library of Congress; one copy to each incorporated historical society in the State; one copy to the library of each college in the State; and one copy to each register of deeds. The remainder shall be placed in the State library for the purpose of exchange.

Personal Hygiene, Community Sanitation, and Physical Education—Instruction in, to be Given to Pupils. (Ch. 73, Act Mar. 17, 1919.)

SECTION 1. *Personal hygiene, community sanitation, physical education to be included in public school courses; State superintendent to prescribe rules and require reports from local superintendents.*—In order to more thoroughly prepare the youth of the State for the duties and obligations of citizenship and to provide for their future well-being and comfort it shall be the duty of the superintending school committees of the several towns of the State, beginning not later than September 1, 1920, to make provision for instruction to be given to pupils in all public schools in personal hygiene, community sanitation and physical education, including recreational exercises in accordance with a course of study and plans of lessons and instruction prepared by the State superintendent of public schools, who shall prescribe such rules and regulations as may be necessary to carry out in successful manner said program of physical education and he may require such reports from superintendents as he may deem necessary.

MARYLAND.

Hotels, Houses, Cottages, and Other Places Offering Board, Lodging, Entertainment, or Rental to Temporary Tenants or Guests—Safe Drinking Water Required—Disposal of Human Excrement. (Reg. Bd. of H., Feb. 13, 1919.)

1. From and after May 1, 1919, all hotels, houses, cottages, and other structures intended for human habitation, where board, lodging, entertainment or rental is offered for pay to travelers, excursionists, vacationists or other temporary tenants or guests, shall be provided with drinking water of safe quality and shall have such structure and arrangement for the safe disposal of human excrement as will be satisfactory to the State board of health. And any person, firm, or corporation who shall furnish, or offer board, lodging, or entertainment at any place where proper arrangements are not made for safe drinking water and sewage disposal, in a manner satisfactory to the State board of health, shall be prosecuted according to law and will be subject to a penalty not to exceed \$100.

Privies, Cesspools, Etc.—When Declared Nuisances—Sanitary Disposal of Human Excrement Required. (Reg. Bd. of H., June 19, 1919.)

By virtue of authority conferred by article 43 of the Annotated Code of Public General Laws, the State Board of Health of Maryland hereby declares that whenever any outhouse, privy, cesspool, or other structure, or contrivance for the reception or disposal of human excrement, exposes human excrement in such manner that flies or animals can have access thereto, or in such manner that wind or rain can carry away human excrement or materials contaminated with human excrement, such outhouse, privy, cesspool, or other structure or contrivance is a nuisance affecting public health, and the owner, if he can be found, or if the owner can not be found then the occupier or tenant of any property on which such outhouse, privy, cesspool, or other structure or contrivance for the reception or disposal of human excrement is found, shall be required to replace the same with such other arrangement or construction for the reception or disposal of human excrement as will be satisfactory to the State board of health. And any person, firm, or corporation failing, refusing, or neglecting to comply with the order of the State board of health within a reasonable time stated in the order shall be liable to a penalty made and provided in article 43 of the Annotated Code of Public General Laws of Maryland.

MASSACHUSETTS.

Gonorrhea and Syphilis—Notification of Cases—Circular of Information to be Furnished Patient. (Reg. Public H. Council, Effective Apr. 1, 1919.)

1. Gonorrhea and syphilis were declared¹ by the State department of health on December 18, 1917, to be diseases dangerous to the public health. On and after April 1, 1919, they are to be reported in the manner provided by these regulations.

2. Gonorrhea and syphilis, as diseases declared to be dangerous to the public health and as such reportable under these regulations, are hereby defined as follows:

Gonorrhea.—A person shall be deemed to be suffering from gonorrhea whenever he or she manifests the signs, symptoms or lesions of the disease and thereafter until two negative laboratory tests have been obtained from specimens, taken at least two weeks apart, from the urethra in the male and from both the urethra and the cervix in the female.

Syphilis.—A person shall be deemed to be suffering from syphilis whenever he or she manifests the signs, symptoms, or lesions of the primary or of the secondary stage of the disease, or discharging lesions of the tertiary stage.

3. Whenever a physician has reason to believe that a person whom he has examined is suffering from gonorrhea or syphilis as defined above, he shall furnish this person with a numbered circular of information and advice concerning the disease in question furnished by the State department of health for that purpose.

4. The physician shall at the same time fill out in detail the numbered report attached to the circular of advice and forthwith mail the same to the State department of health. This report shall not contain the name or address of the patient.

5. However, if the physician ascertains that the person has been examined by and has received a circular of information from another physician he shall not report the case as above directed to the State department of health, but shall notify the physician last previously consulted of the patient's change of medical adviser.

Note.—In asking physicians to carry out the provisions of this section the State department of health appreciates that it is asking more than is authorized by the authority of chapter 670² of the acts of 1913. This courtesy is requested, however, in the interest of the public health to protect the individual who has conformed with the regulations laid down for him.

6. Whenever any person suffering from gonorrhea or syphilis as defined above shall fail to return or to satisfactorily explain his absence to the physician treating such person for a period of six weeks later than the time last appointed by the physician for such consultation or treatment, and the physician also fails to receive a notification of change of medical advisers as provided in the previ-

¹ Supplement No. 37 to the Pub. Health Repts., p. 206.

² Pub. Health Repts, Reprint 264, p. 221.

ous section, or whenever, in the opinion of the physician reporting the case, because of circumstances or conditions present, the protection of the public health demands action by the local board of health, the physician shall then notify the State department of health, giving name, address of patient, name of the disease, and serial number, date of report, and name of physician, originally reporting the case by said serial number, if known.

7. Upon receipt of a report giving the name and address of a person suffering from gonorrhea or syphilis as provided in the preceding section, the State department of health shall report the case by name and address to the board of health of the city or town of the patient's last known address for its action.

8. As authorized in section 1 of chapter 183 of the acts of 1907 the State department of health hereby defines gonorrhea and syphilis as "dangerous to the public health," as the term is used in chapter 213 of the acts of 1902, when they come within the definition of these diseases as promulgated in this revision of these regulations and have been reported by name to their local board of health as provided by section 7 of these regulations.

Tuberculosis—Hospital Care by Counties of Patients Residing in Cities or Towns Having Less Than 50,000—Time for Compliance with Law Extended—"Adequate" Hospital Provision Defined. (Ch. 32, Act Mar. 13, 1919.)

SECTION 1. The time within which the new construction, additions, or alterations of buildings for the purpose of making provisions for persons suffering from consumption shall be completed in accordance with the last sentence of section 1 of chapter 286³ of the general act of 1916, as amended by section 1 of chapter 187⁴ of the general acts of 1918, is hereby extended to the 1st day of September, 1921, and the time within which a contract may be entered into which shall meet the requirements of section 2 of said chapter 286, as amended by chapter 251⁵ of the general acts of 1917 and by section 2 of said chapter 187, is hereby extended to the 1st day of April, 1921.

SEC. 2. Section 3 of chapter 286 of the general acts of 1916 is hereby amended by striking out the word "two," in the third line, and substituting the word "four," so as to read as follows:

SEC. 3. "Adequate" hospital provision for consumptives within the meaning of this act shall be held to mean at least one such hospital bed for each four deaths from consumption in the county, counties, parts of a county, or cities served by such hospitals, as the case may be, as determined by computing the average number of deaths from consumption per annum for the years 1911 to 1915, inclusive, in the communities served by such hospitals, and by a similar quinquennial computation by the State department of health thereafter.

State Department of Public Health—How Constituted—Commissioner, Deputy Commissioner, and Certain Other Officers—Establishment of Division of Sanatoria. (Ch. 350, Act July 23, 1919.)

[The executive and administrative functions of the State government of Massachusetts were reorganized by an act entitled "An act to organize in departments the executive and administrative functions of the Commonwealth" approved July 23, 1919. The following are the provisions of the law which relate to the department of public health.]

³ Pub. Health Repts. Reprint 406, p. 122.

⁴ Supplement No. 38 to the Pub. Health Repts., p. 150.

⁵ Supplement No. 37 to the Pub. Health Repts., p. 207.

16. DEPARTMENT OF PUBLIC HEALTH.

SEC. 96. The department of public health shall consist of the State department of health as now organized and existing under authority of chapter 792^a of the acts of 1914, and acts in amendment thereof and in addition thereto. All provisions of law relating to the State department of health shall continue in full force and effect, except as is otherwise provided by this act. The board of trustees of hospitals for consumptives, existing under authority of chapter 474 of the acts of 1907, and acts in amendment thereof and in addition thereto, is hereby abolished. All the rights, powers, duties, and obligations of said board are hereby transferred to and shall hereafter be exercised and performed by said department, which shall be the lawful successor of said board. The Penikese hospital, so called, existing under authority of chapter 474 of the acts of 1905, and acts in amendment thereof and in addition thereto, is hereby placed in said department.

SEC. 97. The commissioner of health shall hereafter be known as the commissioner of public health. He may, with the approval of the public health council, designate a director of a division of the department to act as deputy commissioner of public health and to perform the duties of the commissioner during his absence or disability, and such other duties as may be prescribed by the commissioner. Assistant directors of divisions and epidemiologists shall be exempt from the civil service law and the rules and regulations made thereunder.

The powers of the commissioner of public health shall be as now provided by law for the commissioner of health, except as is otherwise provided by this act.

SEC. 98. The commissioner shall establish in the department of public health a division of sanatoria which shall include the institutions formerly under the supervision and control of the board of trustees of hospitals for consumptives. The commissioner may place the Penikese hospital, so called, in the said division, and, with the approval of the governor and council, may appoint and remove a director to have charge of said division, and, with like approval, may fix his compensation.

Cold Storage of Foodstuffs—Inspection and Supervision. (Ch. 28, Act Mar. 12, 1919.)

Chapter 652⁷ of the acts of 1912, as amended by chapter 149 of the general acts of 1917, is hereby further amended by striking out section 3 and substituting the following:

SEC. 3. No article of food intended for human consumption shall be placed in, or retained in, cold storage if deemed by the State department of health to be diseased, tainted, or otherwise unwholesome. It shall be the duty of the said department to inspect and supervise all cold-storage or refrigerating warehouses in this Commonwealth, and to make such inspection of the entry or retention of articles of food therein as it may deem necessary to secure proper enforcement of this act. The members of the department or its duly authorized agents, inspectors, or employees shall be permitted access to such establishments and all parts thereof at all reasonable times for purposes of such inspection and enforcement, or for the enforcement of any other provision of law relating to food products. The department may also appoint and designate such person or persons as it deems qualified to make the inspections herein required.

^a Pub. Health Repts. Reprint 279, p. 81.

⁷ Pub. Health Repts. Reprint 200, p. 110.

Slaughtering—Inspection of Carcasses. (Ch. 27, Act Mar. 12, 1919.)

Chapter 75 of the revised laws, as amended by section 4 of chapter 297 of the acts of 1911, is hereby further amended by striking out section 102, and substituting the following:

SEC. 102. Such inspector, or member of a board of health, acting as such inspector, as has been appointed by the board of health, shall be present at all licensed slaughterhouses, or establishments upon the days designated for slaughter by the licensee, as provided in the preceding section, and there carefully examine the carcasses of all animals at the time of slaughter. Such inspection shall be made in such manner and under such rules and regulations as the State department of health may determine and direct. If, in the opinion of an inspector or member of a board of health acting as such inspector, any carcass or any meat or product thereof is diseased, corrupted, unwholesome, or unfit for food, he shall seize it and cause it to be destroyed, as provided in section 70 of chapter 56, and amendments thereof.

Water Supply Needs and Use of Great Ponds—Making of Comprehensive Investigation and Report Relating to. (Ch. 49, Resolve June 24, 1919.)

Resolved, That the State department of health and the metropolitan water and sewerage board, acting jointly, shall forthwith proceed to investigate the water-supply needs of the inhabitants of the Commonwealth, including all questions relating to the quantity of water to be obtained from available sources, its quality, the best methods of protecting the purity of the water, the construction, operation, and maintenance of works for storing, conveying, and purifying the water, the cost of the same, the damages to property, and all matters pertaining to the subject. The said board shall also consider and report whether any of the great ponds, now used as sources of water supply, might better be devoted to purposes of public recreation, and shall determine the extent to which boating, fishing, or other use of any such sources may properly be authorized. The said board shall have power to employ such engineering and other assistance and to incur such expenses as may be necessary for carrying out the provisions of this resolve, and shall report fully with plans and estimates to the general court on or before the first Wednesday in January in the year 1921, including in its report drafts of any legislation recommended by it. Before incurring any expense the board shall, from time to time, estimate the amount required therefor, and shall submit the same to the governor and council for their approval, and no expense shall be incurred beyond the amount so estimated and approved.

Drainage Investigations—Certain Powers and Duties Relating to, Transferred to the Drainage Board. (Ch. 98, Act Apr. 12, 1919.)

The powers and duties conferred and imposed on the State department of agriculture and the State department of health, acting jointly, by chapter 212^{*} of the general acts of 1917, are hereby transferred to, and hereafter shall be exercised by, the drainage board created by chapter 289 of the general acts of 1918.

^{*} Supplement No. 37 to the Pub. Health Repts., p. 222.

Protection of the Public Health in the Valley of Neponset River—Expenditures Authorized. (Ch. 3, Act Jan. 28, 1919.)

SECTION 1. Section 1 of chapter 182 of the general acts of 1918 is hereby amended by adding at the end thereof the words, "The rate of interest to be paid under the provisions of this act shall be such as the treasurer and receiver general, with the approval of the governor and council, may determine," so as to read as follows:

SECTION 1. In addition to the sums authorized to be expended by chapter 655 of the acts of 1911, chapter 91 of the resolves of 1913, chapter 143 of the resolves of 1914, chapter 93 of the resolves of 1915, chapter 146 of the resolves of 1916, and chapter 265 of the general acts of 1916, a further sum, not exceeding \$7,000, may be expended under the direction of the State department of health for the purpose of carrying out the provisions of the acts above mentioned relative to the protection of the public health in the valley of Neponset River. The expense incurred under this act shall be paid and repaid in accordance with the provisions of section 5 of said chapter 655. The rate of interest to be paid under the provisions of this act shall be such as the treasurer and receiver general, with the approval of the governor and council, may determine.

Incurable Diseases Except Mental Defect or Leprosy—Admission of Affected Persons to State Institutions or Infirmaries—Expense of Maintenance. (Ch. 304, Act July 12, 1919.)

SECTION 1. Any person who has been a resident of the Commonwealth for a period of not less than two years and who is affected with any incurable disease except mental defect or leprosy may be admitted to such State institution or infirmary under the supervision of the State board of charity as may be designated by the board for that purpose: *Provided*, That his admission shall be only upon the certificate of the board of health of the city or town from which he is sent. The State board of charity is hereby empowered to make rules and regulations for such admission and to facilitate the operation of this act.

SEC. 2. The expense of the maintenance of such a patient shall be paid by him or by any person or kindred bound by law to maintain him. In case he and his kindred are unable to pay for his maintenance the city or town in which the patient is found to have a legal settlement shall be liable to the Commonwealth for his support, or if the patient is without settlement in this Commonwealth the expense of his maintenance shall be paid by the Commonwealth.

Feeble-Minded—Establishment and Maintenance of Free Clinics and a Registry. (Ch. 318, Act July 16, 1919.)

SECTION 1. The commission on mental diseases may establish and maintain free clinics for the feeble-minded in the districts established under section 28 of chapter 504 of the acts of 1909, which shall be in charge of physicians of the State schools for the feeble-minded or of such other physicians skilled in the care and treatment of the feeble-minded as may be designated by the commission. The commission may also employ such persons as may be required properly to conduct the said clinics.

SEC. 2. The commission shall establish and maintain a registry of the feeble-minded, and may report therefrom such statistical information as it may deem proper, but the name of any person so registered shall not be made public, except to public officials or other persons having authority over the person so

registered, and the records constituting the registry shall not be open to public inspection.

Day Nurseries—Licensing and Regulation. (Ch. 195, Act May 29, 1919.)

SECTION 1. For the purposes of this act a day nursery is defined to be any institution, establishment, or place in which are commonly received at one time three or more children not of common parentage, under the age of 14 years, for a period or periods exceeding 4 but not exceeding 12 hours, for the purpose of nursing and care apart from their parents or guardians, irrespective of compensation or reward.

SEC. 2. No person, firm, association, or corporation shall conduct a day nursery without receiving a license from the local board of health. An application therefor shall be in a form prescribed by the said board and shall be uniform for all day nurseries within the board's jurisdiction. There shall be attached to the application a statement, sworn to by the applicant or by an officer thereof, duly authorized thereto, containing such information as may be required by the board. If in the judgment of the said board the said statement or any other evidence submitted in relation to the application indicates that the operation of the proposed day nursery will be for the public benefit and welfare, a license, in such form as the board may prescribe, shall be issued to the applicant. All licenses shall expire at the end of the calendar year in which they are issued, but may be renewed annually on application, as provided for their initial issue. No license shall be transferred except with the approval of the said board. For the issue or renewal of each license a fee of \$1 shall be charged. All fees shall be paid into the treasury of the city or town in which the nursery is situated.

SEC. 3. The local boards of health shall make rules and regulations, and may revise or change the same in accordance with which day nurseries shall be licensed and conducted, and failure to comply with any such rule or regulation shall be sufficient cause for revocation of the license in the manner provided in the following section.

SEC. 4. The local board of health, by its authorized agents, shall have authority to visit and inspect any day nursery at any time in order to ascertain whether it is licensed and conducted in compliance with law, including the provisions of this act and with the rules and regulations established hereunder. Every day nursery shall so be visited and inspected at least once in each year. After 30 days' notice to a licensed day nursery and opportunity to be heard the local board of health may, if in its judgment the public interest so demands, revoke the license of the nursery. Every day nursery shall furnish to the said board such reports, information, and other data as it may require.

SEC. 5. Day nurseries legally incorporated or in operation in this Commonwealth at the date of the taking effect of this act shall, on furnishing the statement or other information required under section 2 of applicants for licenses, be permitted to continue in operation for the remainder of the calendar year without securing a license under this act. The said local boards are hereby directed to cause an inspection to be made, prior to the 31st day of December in the current year, of all day nurseries in their respective municipalities.

SEC. 6. Except as provided in section 5, any person, firm, association, or corporation which establishes, conducts, manages, or maintains a day nursery without first having obtained a license therefor, or after the revocation of the license, or in violation of any provision of this act, or regulation made hereunder, and any person, firm, association, or corporation which violates any pro-

vision of this act or any regulation made hereunder, shall be punished by a fine of not less than \$10 nor more than \$200 for each offense. If any person, firm, association, or corporation conducting a day nursery shall be found guilty of a violation of any provision of this act or of any such regulatin, in any particular relating to the safety of or the accommodations for the children, it shall be the duty of the local board of health to issue an order directing that such nursery be closed and remain closed until such provision or regulation has been complied with.

SEC. 7. The provisions of this act shall not apply to day nurseries conducted by the Commonwealth or by any city or town thereof.

Secondhand Materials Used in the Manufacture of Mattresses and Similar Articles—Sale or Shipment. (Ch. 123, Act Apr. 22, 1919.)

Chapter 148^a of the general acts of 1915 is hereby amended by adding after section 2 a new section to be numbered 3, as follows:

SEC. 3. No person shall sell or offer for sale any secondhand hair, down, feathers, wool, cotton, silk floss, or other materials commonly used for filling mattresses, pillows, cushions, muff beds, quilts or other similar articles, representing the same to be new material. When any such hair or other material, above specified or described, is shipped inclosed in any box, crate, package, or other container, it shall have attached thereto a tag containing a statement of the contents of the package together with the name of the vendor. Violation of any provision of this section shall be punished by a fine of not more than \$500 or by imprisonment for not more than six months, or by both such fine and imprisonment.

Wood Alcohol or Preparations Containing Wood Alcohol—Labeling and Sale. (Ch. 360, Act July 24, 1919.)

SECTION 1. No person, firm, or corporation other than a registered druggist shall engage in this Commonwealth in the business of manufacturing, buying, selling, or dealing in methyl alcohol, or wood alcohol, so called, or denatured alcohol, or any preparation used for manufacturing or commercial purposes which contains more than 3 per cent of any of the said alcohols and is intended for use other thap as a beverage, without being licensed so to do by the board of health of the city or town where the business is conducted.

SEC. 2. The board of health of each city or town may issue licenses hereunder, upon the payment of a fee of \$1, to such persons as it shall find to be properly qualified to carry on the said business. The licenses shall expire on April 30 of each year, and may at any time be suspended or revoked, for cause, by the board. The board shall keep a record of all such licenses.

SEC. 3. Every container of methyl alcohol or wood alcohol, so called, or denatured alcohol, shall bear a label of white paper upon which shall be printed in large red letters the words DEADLY POISON, the name and place of business of the vendor, and the number of the vendor's license. The label shall also bear in legible type the words NOT FOR INTERNAL USE. CAUSES BLINDNESS. KEEP FROM THE EYES.

SEC. 4. The sale of methyl alcohol, wood alcohol, denatured alcohol, or any preparation containing alcohol as described in section 1, by a person not licensed

^a Pub. Health Repts. Reprint 338, p. 284.

as herein required, or to a minor or to any person without reasonable investigation and inquiry to determine that the same is not to be used for drinking purposes, shall constitute the offense of unlawful sale of alcohol and may be described as such in any complaint or indictment without more; but a person so charged shall be entitled to a bill of particulars in accordance with section 39 of chapter 218 of the Revised Laws.

SEC. 5. Violation of any provision of this act shall be punished by a fine not exceeding \$100 for each offense, or by imprisonment in the house of correction for a term not exceeding six months, or by both such fine and imprisonment.

MICHIGAN.

Communicable Diseases—Notification of Cases—Placarding—Quarantine—Isolation—Disinfection—School Attendance—Requirements for Specific Diseases—Funerals from Houses Under Quarantine. Venereal Diseases—Notification of Cases—Examination of Persons Suspected of Being Infected—Quarantine or Isolation—Hospitalization—Reports by Private Diagnostic Laboratories. (Reg. Dept. of H., Sept. 18, 1919.)

I. *Actinomyositis (lumpy jaw)*.—An infectious disease common to cattle and other domestic animals and often transmitted to man.

1. Cases must be reported.
2. Instruct patient to cover all open ulcers, burn cloths and other articles contaminated with discharges from affected part.
3. Avoid intimate contact with person suffering from this disease.
4. Disinfection of room and all exposed articles after death or recovery of patient.

II. *Anthrax (wool sorters' disease; malignant pustule)*.—A dangerous and fatal, infectious disease, affecting cattle and man.

1. Cases must be reported.
2. Destroy all contaminated cloths or other articles by burning.
3. Disinfection of room and all articles exposed, after death or recovery of patient.

III. *Chicken pox*.—1. Cases must be reported.
2. Conspicuous placard on the house.
3. Keep patient from school 10 days after desquamation is complete. Other children in the household who have had chicken pox may continue in school.
4. Disinfection not required.
5. All cases so reported must be visited by the health officer or, in case he is not a physician, by a physician competent to make the diagnosis.

IV. *Cholera (Asiatic)*.—1. Cases must be reported.

2. Quarantine.
3. Most rigid disinfection of all discharges and contaminated articles.
4. Terminal disinfection required.

V. *Diphtheria or membranous croup*.—1. Cases must be reported.

2. Conspicuous placard on the house.
3. Quarantine minimum 21 days, or until two negative cultures are secured on successive days, after the ninth day. Exposures whose throats are negative may be disinfected and released from quarantine: *Provided, however*, That school children thus released shall not return to school for a period of one week after they have been released from quarantine.

4. Complete disinfection of rooms and clothing after death or recovery of patient.

VI. *Dysentery (amebic and bacillary)*.—1. Cases must be reported.

2. Isolation of patient.

3. Disinfection of all discharges from bowels; destruction by burning of all contaminated articles of no special value; complete disinfection of articles that can not be burned.

4. Terminal disinfection of room and contents after death or recovery of patient.

VII. *Epidemic or streptococcic (septic) sore throat*.—1. Cases must be reported.

2. Isolation of patient.

3. Disinfection of all discharges from mouth, nose, and throat.

4. Terminal disinfection of room and contents after death or recovery of patient.

5. Minimum period of isolation 14 days.

VIII. *Erysipelas*.—1. Cases must be reported.

2. Isolation of patient.

3. Disinfection of all materials coming in contact with erysipelatous areas required.

IX. *Impetigo contagiosa*.—1. Cases must be reported.

2. Children having the disease must not attend school until all sores are healed and skin is smooth.

3. Disinfection of all contaminated articles.

X. *Influenza*.—1. Each case must be reported.

2. Conspicuous placard on the house.

3. Absolute quarantine, minimum seven days.

4. If head of family after examination shows no symptoms, he may be released, but must not return to the house during period of quarantine.

5. Terminal fumigation not necessary.

XI. *Leprosy*.—1. Cases must be reported.

2. Isolation of patient and enforcement of personal hygiene, care of the discharges and sanitary surroundings.

3. Leprosy is communicable by long and intimate contact with a diseased person. Lepers should be humanely treated.

XII. *Measles*.—1. Cases must be reported.

2. Conspicuous placard on the house.

3. Isolation of patient seven days. Exclude from school children in household who have not had measles. Period of invasion and eruption most dangerous, hence necessity of early recognition and isolation.

4. Disinfection not required.

XIII. *Mumps*.—1. Cases must be reported.

2. Patients excluded from school and all public places for a minimum period of 10 days.

3. Exclude from school children who have not had mumps.

XIV. *Ophthalmia neonatorum*.—1. Cases must be reported.

2. Act 123¹ public acts of 1913, requires every physician, nurse, or midwife in attendance at a birth to administer a prophylaxis approved by the Michigan Department of Health to the eyes of every infant within one hour after birth. This department has named and approved as such prophylaxis one drop of 2 per cent silver nitrate solution.

XV. *Paratyphoid fever*.—1. Cases must be reported.

2. Conspicuous placard on the house.

3. Disinfect all discharges and use same preventive measures as indicated for typhoid fever.

¹ Pub. Health Repts. Reprint 264, p. 241.

XVI. Pellagra ("rough skin"; "corn bread fever"; "corn sickness").—

1. Cases must be reported.
2. History of the patient and former residence must be carefully investigated.
3. Patient must be under observation of a physician. Proper diet, sanitary environment, and personal hygiene must be insisted upon.

XVII. Plague (bubonic; pneumonic; septicemic).—

1. All forms must be promptly reported.

2. Patient must be completely isolated in a properly screened room.
3. Fabrics and other objects which become contaminated with the discharges must be burned or thoroughly disinfected.
4. The pneumonic type is highly contagious in the ordinary sense of the term, and the sputum is loaded with the plague bacilli. Physicians and others in attendance must be immunized, and individual protection against droplet infection by wearing a mask must be exercised.

The bubonic type is characterized by appearance of "buboes" in the groins, arm pits, or neck. This and the septicemic form are not so contagious and the rules under typhoid fever will apply to them.

The infection is carried long distances by ships from over the seas, through the medium of rats infected with the disease; hence a war on rats is necessary.

Complete disinfection of room and contents with sulphur dioxide, which not only kills the *Bacillus pestis* but destroys all insects, is required after death or recovery of patient.

XVIII. Pneumonia.—

1. Cases must be reported.

2. Conspicuous placard on the house.
3. Isolation of patients and disinfection of the sputum and excretions from nose and throat absolutely necessary. (See pamphlet.)
4. Terminal disinfection not required.

XIX. Poliomyelitis, acute anterior (infantile paralysis).—

1. Cases must be reported.

2. Conspicuous placard on the house.
3. Quarantine of household three weeks, minimum. Head of family may be disinfected and released. Discharges from nose and mouth must be disinfected.
4. Complete disinfection of rooms and clothing after death or recovery of patient.

XX. Rabies (hydrophobia).—

1. Cases must be reported.

2. Isolation of patient and proper restraint.
3. Rabies is an inoculable disease. A human being becomes infected or inoculated by a bite from a domestic animal, usually a dog. In order to prevent this disease the following precautionary measures must be enforced:
 - (a) Whenever a person is bitten by a domestic animal suspected of having rabies, the accident must be reported at once to the health officer.
 - (b) The wound must be immediately cauterized with fuming nitric acid.
 - (c) The suspected animal must be kept under observation and restraint for a period of 10 days. In case the animal is accidentally killed, the head of the same must be sent at once to the University of Michigan laboratory for diagnosis.
 - (d) If the animal lives for a period of 10 days, no further precautions are necessary. If it either dies or has been killed and the report of rabies is returned from the University of Michigan, all persons who have been bitten by the animal must be given the Pasteur treatment as soon as possible.

XXI. *Rubella (German measles)*.—1. Cases must be reported.

2. All cases so reported must be visited by the health officer or, in case he is not a physician, by a physician competent to make the diagnosis.

3. Persons having the disease must be isolated until fully recovered. Children who have not had the disease but are living in the same family or in the same house, if not exposed, may attend school. It has no relation to other measles or scarlet fever, and protects only against attacks of the same infection.

XXII. *Scarlet fever (scarlet rash; scarlatina)*.—1. Cases must be reported.

2. Conspicuous placard on the house.

3. Quarantine minimum 28 days or longer until recovery is complete. Head of the family may be disinfected and released. Children not ill in the household may be disinfected and quarantined elsewhere for 10 days and then allowed to go to school. Patient shall not enter school and other public assemblies until 10 days after the quarantine has been raised.

4. Complete disinfection of rooms and clothing after death or recovery of patient. Dairy products can not be sold from a farm where this disease exists.

XXIII. *Smallpox*.—1. Cases must be reported.

2. Conspicuous placard on the house.

3. Quarantine required.

4. All exposed persons must be vaccinated and kept under daily observation for 16 days.

5. All exposed persons refusing vaccination must be quarantined for 16 days.

6. Terminal disinfection required.

XXIV. *Spinal meningitis (acute cerebro)*.—1. Cases must be reported.

2. Conspicuous placard on the house.

3. Isolation of patient and attendant.

4. Complete disinfection of rooms and clothing after death or recovery of patient required.

XXV. *Trachoma (contagious granular conjunctivitis, granular lids)*.—1. Cases must be reported.

2. Patients should use individual towels and wash basins. Discharges from eyes must be collected on cloths or paper napkins and burned.

The infection is acquired by using roller towels, handkerchiefs, and other articles contaminated with infectious matter.

3. Intimate contact with others must be prohibited; personal hygiene must be insisted upon.

XXVI. *Tuberculosis*.—1. Cases must be reported.

2. Careful instructions regarding disinfection of sputum must be given.

3. Complete disinfection of room and clothing after death, recovery, or removal of patient required. (See tuberculosis law and special pamphlet.)

XXVII. *Typhoid fever*.—1. Cases must be reported.

2. Conspicuous placard on the house.

3. Isolation of patient. Excreta from patient must be thoroughly disinfected. Marketing of dairy products is forbidden by law.

4. Complete disinfection of rooms and clothing after death or recovery of patient required.

XXVIII. *Typhus fever*.—1. Cases must be reported.

2. Conspicuous placard on the house.

3. Inasmuch as this disease is spread by body lice, clothes should be removed, burned, or disinfected by immersing in a 1 to 500 bichloride of mercury solution or by boiling.

4. Thorough disinfection of rooms and contents; room should be kept closed for from 12 to 24 hours, with the object of destroying the lice.

XXIX. *Venereal diseases (syphilis, gonorrhea, chancroid).*—1. After October 1, 1919, all cases must be reported by name and address immediately to the Michigan Department of Health on special blanks furnished for this purpose by this department and blank completely filled out.

2. Any medical inspector or other authorized representative of the Michigan Department of Health or any local health officer who is a registered physician is hereby empowered and directed to make an examination in accordance with the rules and regulations of the Michigan Department of Health of any suspected case of syphilis, gonorrhea, or chancroid for the purpose of determining the fact. If the local health officer is not a duly registered physician, he is hereby empowered to appoint a duly registered physician to act for him for the purpose of the rules and regulations embodied herein.

All persons known to be common prostitutes or reasonably suspected and believed to be such, or any inmate of a house of ill fame, or any man consorting with a common prostitute or an inmate of a house of ill fame, shall be deemed to be suspected cases.

If any person reasonably suspected by the health officer of being infected with any of the said diseases refuses to submit to the examination herein contemplated, such refusal shall be prima facie proof that such person is so infected and shall authorize and justify the quarantining or isolation of any such person.

3. Only open and infectious cases of gonorrhea and only cases with clinical syphilitic lesions are to be quarantined. Such cases will be hospitalized at the States' expense only after serological diagnoses satisfactory to the Michigan Department of Health. (Outlines for courses of treatment prescribed by the Michigan Department of Health and guides and instructions for determining the time for dismissal of venereal patients will be mailed to practicing physicians upon request.)

4. All private diagnostic laboratories shall report to the Michigan Department of Health on the first of each month the number of original diagnoses of syphilis and gonorrhea made during the past month, with the name and address of physician sending in the specimens. All records of such laboratory shall be subject to inspection by the Michigan Department of Health.

5. Employment of women physicians is recommended for the examination of young women.

XXX. *Whooping cough.*—1. Cases must be reported.

2. Conspicuous placard on the house.

3. Exclude from school children in the household who have not had whooping cough.

4. Children should be permitted to go out every day, but must wear upon their left arm, between the elbow and shoulder, a band of red cloth upon which appears in substantial cloth letters an inch high the words "whooping cough." They must not be allowed to come in contact with others who have not had the disease.

Terminal disinfection shall mean such combination of chemicals, soap and water, sunlight and fresh air as are required for the individual case.

To quarantine persons means to keep them, when suspected of having contracted or been exposed to an infectious disease, out of a community, or to confine them to a given place therein, to prevent intercourse between them and the people generally of such community.

XXXI. *Funerals.*—All funerals from houses under quarantine must be so conducted as to prevent any possible contact between the deceased or the immediate family and the people generally of the community.

Venereal Diseases—Notification of Cases—State Department of Health Directed to Adopt Regulations—Dissemination of Information to the Public—Treatment—Quarantine—Sale of Medicine—Reports by Druggists—Appropriations. (Act No. 272, May 13, 1919.)

SECTION 1. The diseases commonly known as syphilis, gonorrhea, and chancroid are hereby declared to be dangerous, communicable, and infectious diseases and are declared to be subject to all the laws of the State pertaining to such diseases, except as in this act modified or otherwise provided.

SEC. 2. The State department of health is hereby authorized and directed to adopt rules and regulations to prevent the spreading of said disease, to facilitate the proper treatment thereof, and to regulate the quarantining and isolation of infected persons. Proper steps should also be taken for the dissemination to the public of such information as is deemed proper and expedient to prevent infection from said diseases. A system of reports for the use of physicians and health officers shall be prescribed, and suitable blanks shall be prepared and furnished to physicians and health officers. A physician or health officer having knowledge of a case of syphilis, gonorrhea, or chancroid shall immediately report the same in accordance with the rules and regulations of the State department of health and shall give such detailed information as may be required by said board. All such reports and all records and data of the State board of health or any local health officer pertaining to the care and treatment of such diseases are hereby declared not to be public records.

SEC. 3. The State department of health is authorized and empowered to provide for the treatment of cases of syphilis, gonorrhea, and chancroid in proper institutions and may make contracts and agreements with the managing board or officers of such institutions for the admission and care of patients hereunder. Any such person while undergoing treatment shall be deemed to be in quarantine in such institution and shall be subject to all laws and regulations pertaining thereto. The State department of health is hereby authorized and empowered to employ such assistants, inspectors, and physicians as may be necessary to carry out the provisions hereof and to fix the compensation of all persons so employed.

SEC. 4. Any physician or local health officer who fails to report any case of syphilis, gonorrhea, or chancroid in accordance with the rules and regulations of the State department of health, or any person who, while receiving treatment for any such diseases under the direction, supervision, and control of the said board as herein contemplated, shall without leave break quarantine and leave the place of treatment, or any persons who shall violate any of the provisions of this act or the rules and regulations of the State department of health adopted hereunder shall be guilty of a misdemeanor, and upon conviction shall be liable to a fine of not more than \$1,000 or to imprisonment in the county jail for not more than one year, or to both such fine and imprisonment, in the discretion of the court.

SEC. 5. After October 1, 1919, it shall be unlawful for any druggist, pharmacist, or other person to sell, barter, or give away any drug, medicine, or other remedy whatsoever for the treatment of any of the diseases specified in section 1 hereof, except upon the prescription of a duly registered and practicing physician. Such prescription shall be marked "C. V. D." and shall set forth the name and address of the patient and the date when given. All prescriptions filled by any druggist or pharmacist hereunder shall be numbered consecutively and shall be kept on file for a period of not less than two years. Each prescription shall have stamped or written thereon the date of filling. All such prescriptions so kept on file shall be subject to inspection by the prose-

cuting attorney of the county or by any duly authorized police officer or by any representative or inspector of the State department of health. On the first day of each month each said druggist and pharmacist shall make a detailed report to the State health department in such form as may be prescribed thereby, covering such prescriptions. No physician, druggist, or pharmacist shall administer any treatment or remedy whatsoever for any of said diseases; nor shall any physician sell or give to a patient so affected any drug, remedy, or medicine therefor: *Provided*, That a duly registered and practicing physician may give office treatments: *Provided further*, That any physician in any town within this State may fill a prescription given to a patient affected with any disease specified in section 1 if there is no drug store or pharmacy conducted within a distance of 5 miles therefrom or he is the authorized physician of any corporation who dispenses drugs or medicines to the employees of said corporation. All such prescriptions so filled by any physician shall be immediately reported to the State health department and shall be kept on file by the physician, subject to inspection in the same manner as is above provided for the inspection of similar prescriptions filled by druggists and pharmacists. Any physician, druggist, pharmacist, or other persons violating any of the provisions of this section shall be deemed to be guilty of a misdemeanor and shall be subject to the penalty hereinbefore provided in section 5 [4?]. Any such violation by physician, druggist, or pharmacist shall also be deemed sufficient reason for revoking the license granted thereto.

SEC. 6. There are hereby appropriated from the general fund for the use of the State department of health, for the purposes of carrying out the provisions of this act, for the fiscal year ending June 30, 1920, the sum of \$150,000; and for the fiscal year ending June 30, 1921, the sum of \$150,000 for the purposes and in the following amounts:

	For the fiscal year 1919-20.	For the fiscal year 1920-21.
Personal service (salaries and wages):		
Clerks (9 at \$1,00 each per year)-----	\$9,000	\$9,000
Clerk (1 at \$1,100 per year)-----	1,100	1,100
Clerks (4 at \$1,200 each per year)-----	4,800	4,800
Clerks (part time, 3 at \$400 each per year)-----	1,200	1,200
Director social service department-----	1,800	1,800
Assistant to secretary-----	1,800	1,800
Matrons and attendants-----	1,200	1,200
Totals for personal service-----	20,900	20,900
Supplies-----	1,350	1,350
Stationery, books and paper-----	400	400
Equipment and furniture-----	50	50
Printing and advertising-----	925	925
Transportation, telephone, and telegraph-----	9,700	9,700
Hospital care and treatment-----	116,613	116,613
Fixed charges-----	62	62
Totals-----	150,000	150,000

Each of said amounts shall be used solely for the specific purposes herein stated.

SEC. 7. The amounts hereby appropriated shall be paid out of the State treasury, and the disbursing officer of the State department of health shall render his accounts therefor at such times and in such manner as is or may be provided by law.

SEC. 8. All fees or other moneys received by said institution shall be forwarded to the State treasurer each month and shall be by said treasurer deposited in the State treasury to be disbursed in such manner and for such purposes as may be provided by law.

SEC. 9. The auditor general shall incorporate in the State tax for the years 1919 and 1920 sufficient amounts to reimburse the general fund for the appropriations hereby made.

Communicable Diseases—Hospitalization—Payment for Medical Services and Necessary Supplies in Indigent Cases. (Act No. 22, Mar. 18, 1919.)

SECTION 1. Section 15 of chapter 35 of the Revised Statutes of 1846, entitled "Of the preservation of the public health, quarantine, nuisances, and offensive trades" being section 5055 of the compiled laws of 1915, as amended by act No. 77² of the public acts of 1917, is hereby amended to read as follows:

SEC. 15. When any person coming from outside the county or residing in any township, city, or village within this State shall be infected, or shall lately before have been infected, with a dangerous communicable disease, the board of health of the township, city, or village where such person may be, shall make effectual provision, in the manner in which it shall judge best for the safety of the inhabitants, and it may remove such sick or infected person to a separate house if it can be done without danger to his health, and shall thereupon report such case to the supervisor of the ward, or township in which such infected person shall be, which supervisor shall provide nurses and other assistance and necessities which shall be at the charge of the person himself, his parents, or other persons who may be liable for his support, if able: *Provided*, If such person, his parents, or other person who may be liable for his support be not able to pay for such assistance and necessities, the supervisor shall keep an itemized and separate statement of expenses incurred for each and every person cared for under this section and shall render such statement to the board of supervisors of the county or to the board of county auditors in counties having such a board by filing the same with the county clerk. The said board of supervisors or board of auditors, as the case may be, shall, as soon as may be, proceed to audit the said bill, and if found that the expenses were necessarily incurred, the services actually and necessarily performed and the amounts claimed for such expenses and services are severally just and reasonable, under the circumstances, the said board of supervisors or board of auditors shall allow the same or such parts thereof as the majority of the members elect of said board shall deem just, and provide for their immediate payment by the said county; and, in auditing such accounts, said several boards of supervisors or boards of auditors shall have full power to examine into the merits of all claims presented to them in accordance with the provisions herein contained, and may subpoena witnesses and take any other measures necessary to arrive at the truth of the same; and the board of supervisors is hereby empowered, if necessary, to borrow money on the faith and credit of the county to pay all such necessary bills and expenses, and to include the same in the next appropriation of money to be raised by taxation in said county: *Provided*, The board of supervisors or county board of auditors shall fix the maximum fee and mileage for medical attendance upon contagious diseases chargeable to the county and shall authorize the superintendents of the poor, upon the application of any board of health of a township, city, or village to contract with a physician or physicians to attend contagious diseases.

² Supplement No. 37 to the Pub. Health Repts., p. 224.

Communicable, Including Venereal, Diseases—Employment of Affected Persons in Food and Drink Places Prohibited—Physical Examination of Employees. (Act No. 25, Mar. 20, 1919.)

SECTION 1. No person who is affected with any infectious disease or with any venereal disease, in a communicable form, shall work or be permitted to work in any place where food or drink is prepared, cooked, mixed, baked, exposed, bottled, packed, handled, stored, manufactured, offered for sale, or sold. Whenever required by any local health officer, any person employed in any such place shall submit to a physical examination by such officer, or by some physician designated by such health officer or by a physician regularly in the employ of the person, firm, corporation or institution by whom the person to be examined is employed. If, as a result of such examination, such person shall be found to be affected with any infectious disease or with any venereal disease in a communicable form, such employment shall immediately cease and such person shall not be permitted to work in any such place.

SEC. 2. Any person knowingly affected with any infectious disease or with any venereal disease, in a communicable form, who shall work in any place defined in section 1, and any person knowingly employing or permitting such person to work in such place, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine not exceeding \$250, or by imprisonment not exceeding one year, or by both such fine and imprisonment, in the discretion of the court.

Communicable, Including Venereal, Diseases—Employment of Affected Persons in Cigar Factories Prohibited—Physical Examination of Employees. (Act No. 353, May 13, 1919.)

SECTION 1. No person who is affected with any infectious disease, or with any venereal disease in a communicable form, shall work, or be permitted to work, in any place where cigars are manufactured. Whenever required by any local health officer, any person employed in such place shall submit to a physical examination by such officer, or by some physician designated by such person so employed. If as a result of such examination such person shall be found to be affected with any infectious disease, or with any venereal disease in a communicable form, such employment shall immediately cease and such person shall not be permitted to work in any such place.

SEC. 2. Any person knowingly affected with any infectious disease, or with any venereal disease in a communicable form, who shall work in any place defined in section 1, and any person knowingly employing or permitting such person to work in such place, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding \$250 or by imprisonment not exceeding one year, or by both such fine and imprisonment in the discretion of the court.

Communicable Diseases of Animals—Notification of Cases—Prevention of Spread—Quarantine—Condemnation, Appraisal, and Destruction of Animals—Payments to Owners of Destroyed Animals—Quarantine and Restraint of Dogs—Importation of Animals—Feeding of Garbage to Swine. (Act No. 181, May 2, 1919.)

SEC. 5. It shall be the duty of any person who discovers, suspects, or has reason to believe that any domestic animal belonging to him or in his charge, or that may come under his observation, belonging to other parties, is affected

with any disease, whether it be contagious or infectious disease, to immediately report such fact, belief, or suspicion to the State commissioner of animal industry, or to the local board of health or some member thereof. It is hereby made the duty of all local boards of health, to whom cases of contagious or infectious diseases are reported, to immediately investigate the same, either in person by some member or members of the board, or by the employment of a competent and skilled veterinarian; and should such investigation show a reasonable probability that a domestic animal is affected with a contagious or infectious disease of a malignant character, the local board of health shall immediately establish such temporary quarantine as may be necessary to prevent the spread of the disease, and report all action taken to the State commissioner of animal industry; and the acts of local boards of health establishing temporary quarantine shall have the same force and effect as though established by the commissioner, until such time as the commissioner may take charge of the case or cases, and relieve the local board of health. All expenses incurred by local boards of health in carrying out the provisions of this act shall be paid in like manner as are other expenses incurred by said boards in the discharge of other official duties.

SEC. 6. The commissioner to whom the existence of any infectious or contagious disease of domestic animals is reported shall forthwith, either in person or by authorized representative, proceed to the place where such domestic animal or animals are and examine the same, and if in his opinion any infectious or contagious disease does exist he is authorized to call upon the State veterinarian or other competent and skilled veterinarian to proceed to the place where said contagious or infectious disease is said to exist and examine said animal or animals, and report his or their finding to the said commissioner, who then shall prescribe such rules and regulations as in his judgment the exigencies of the case may require for the effectual suppression and eradication of the disease, and for that purpose the said commissioner may list and describe the domestic animals affected with such disease and those which have been exposed thereto and included within the infected district or premises so defined and quarantined, with such reasonable certainty as would lead to their identification, and no domestic animal liable to become infected with the disease or capable of communicating the same shall be permitted to enter or leave the district, premises, or ground so quarantined, except by authority of the commissioner. The said commissioner shall also from time to time give and enforce such directions and prescribe such rules and regulations as to separating, mode of handling, treating, feeding, and caring for such diseased and exposed animals as he shall deem necessary to prevent the two classes of animals from coming in contact with each other, and perfectly isolate them from all other domestic animals which have not been exposed thereto and which are susceptible of becoming infected with the disease, and the said commissioner and veterinarian are hereby authorized and empowered to enter upon any grounds or premises to carry out the provisions of this act. When in the opinion of the commissioner, or his authorized representative, it shall be necessary to prevent the further spread of any contagious or infectious disease among the live stock of the State, to destroy animals affected with or which have been exposed to any such disease, he shall determine what animals shall be killed, and appraise the same, as hereinafter provided, and cause the same to be killed and the carcasses disposed of as in his judgment will best protect the health of domestic animals of that locality. Said commissioner shall also have power to declare and enforce a quarantine on dogs in any district of this State in which there is an outbreak of rabies, hog cholera, hoof and mouth disease, or any other contagious or infectious disease among live stock; and may order

that all dogs in said district shall be securely chained or otherwise confined. Any dog found at large in contravention of the terms of such quarantine or order may be killed. It shall be the duty of the sheriff of each county in the district affected and of his deputies, constables, and other municipal police officers to see to it that such quarantine and orders are enforced. Any officer killing a dog pursuant to the provisions of this act shall not be subject to any liability therefor.

SEC. 7. When the commissioner shall have determined the quarantine and other regulations necessary to prevent the spread among domestic animals of any malignant, contagious or infectious disease found to exist among the live stock of the State, and give his order as hereinbefore provided, prescribing quarantine and other regulations, he shall notify the governor thereof, who shall issue his proclamation proclaiming the boundary of such quarantine and the orders, rules and regulations prescribed by the commissioner, which proclamation may be published by written or printed hand bills posted within the boundaries or on the lines of the district, premises, places or grounds quarantined: *Provided*, That if the commissioner decides that it is not necessary, by reason of the limited extent of the district in which such disease exists, that a proclamation should be issued, then none shall be issued, but such commissioner shall give such notice as may seem best to make the quarantine established by him effective.

SEC. 8. Whenever the commissioner shall direct the killing of any domestic animal or animals it shall be his duty to appraise the animal or animals condemned, and in fixing the value thereof he shall be governed by the value of said animal or animals at the date of appraisalment. When any live stock shall be appraised and killed by order of the commissioner, he shall issue to the owner of the stock so killed a certificate showing the number and kind of animals killed, and the amount in his judgment, to which the owner is entitled, and report the same to the governor of the State, which certificate, if approved by the governor, shall be presented to the auditor general, who shall draw his warrant on the State treasurer for the amount therein stated, payable out of any money in the treasury not otherwise appropriated: *Provided*, That the payment and compensation for tuberculous cattle killed under the provisions of this act shall be subject to section 15 hereof.

SEC. 9. When any animal or animals are killed under the provisions of this act, by order of the commissioner the owner thereof shall be paid therefor the appraised value as fixed by the appraisalment hereinbefore provided for: *Provided*, The right of indemnity on account of animals killed by order of the commissioner under the provisions of this act shall not extend to the owners of animals which have been brought into the State in a diseased condition, or from a State, country, Territory, or district in which the disease with which the animal is affected, or to which it has been exposed, exists. Nor shall any animal be paid for by the State which may be brought into the State in violation of any law or quarantine regulation thereof or the owner of which shall have violated any of the provisions of this act, or disregarded any rule, regulation, or order of the commissioner. Nor shall any animal be paid for by the State which came into the possession of the claimant with the claimant's knowledge that such animal was diseased, or was suspected of being diseased, or of having been exposed to any contagious or infectious disease.

SEC. 10. No person having in his possession any domestic animal affected with any contagious, infectious, or communicable disease, knowing such animal to be so affected, shall permit the same to run at large, or shall keep such animal where other domestic animals not affected by or previously exposed to such disease may be exposed to contagion or infection; nor shall any person

sell, ship, drive, trade, or give away any such diseased animal, or any animal which has been exposed to contagion or infection; nor move or drive any domestic animal in violation of any direction, rule, regulation, or order establishing or regulating any quarantine.

SEC. 11. No person shall bring into this State any domestic animal which is affected with any contagious, infectious, or communicable disease, or any animal which has been exposed to any such disease. It shall be unlawful for any person who owns or who is in possession or control of live stock which is affected with any such disease, or which is reasonably suspected of being so affected, to prevent or refuse to allow the State veterinarian, the commissioner, or other authorized officials to examine such stock, or to hinder or obstruct the State veterinarian or commissioner or other official in any examination or attempted examination of any such animal or animals.

SEC. 12. The commissioner shall have power to call upon any sheriff, undersheriff, deputy sheriff, or constable to execute his orders, and such officers shall obey the orders of said commissioner, and the officers performing such duties shall receive compensation therefor as is prescribed by law for like services, and shall be paid therefor in like manner. And any officer may arrest and take before any justice of the peace of the county any person found violating any of the provisions of this act, and such officer shall immediately notify the prosecuting attorney of such arrest, and he shall prosecute the person so offending according to law.

SEC. 13. Whenever the governor of the State shall have good reason to believe that any dangerous contagious or infectious disease has become epizootic in certain localities in other States, Territories, or countries, or that there are conditions which render such domestic animals from such infected districts liable to convey such disease, he shall by proclamation prohibit the importation of any live stock of the kind diseased into the State unless accompanied by a certificate of health given by a duly authorized veterinary surgeon; and all such animals arriving in this State shall be examined immediately by the commissioner of animal industry, or person or persons designated by him, and if he deems necessary he shall have said animals inspected by the State veterinarian, and if in his opinion there is any danger from contagion or infection, they shall be placed in close quarantine until such danger of infection or contagion is passed, when they shall be released by order of said commissioner.

SEC. 14. Any railroad company, navigation company, or other corporation, or common carrier, who shall knowingly, or willfully violate, disregard, or evade any of the provisions of this act, or who shall willfully violate, disregard, or evade any of the rules, regulations, orders, or directions of the commissioner of animal industry establishing or governing quarantine, or who shall evade, or attempt to evade any quarantine proclamation of the governor of this State declaring quarantine limits, shall forfeit and pay to the people of the State of Michigan not less than \$500 nor more than \$5,000 for each and every offense, and shall be liable for all damages caused to any neat cattle by its or his failure to comply with the requirements of this act.

SEC. 15. In case of tuberculous cattle, whenever the commissioner shall direct the killing of such cattle, it shall be the duty of the commissioner to appraise the animal or animals condemned, the owner or owners thereof to receive 50 per cent of value of animals as though not diseased, but such sum in no case shall exceed the sum of \$50 for grade animals and \$100 for registered thoroughbred animals: *Provided*, That the owner or owners of slaughtered animals shall receive no compensation for the same unless the commissioner shall be satisfied that the premises have been kept in a sanitary condition, nor shall they receive compensation until said commissioner is satisfied that the in-

fectured premises have been kept in a sanitary condition, nor shall they receive compensation until said commissioner is satisfied that the infected premises have been disinfected in such manner as to prevent the further spread of the disease. When the commissioner shall deem it expedient to have cattle that have reacted to the tuberculin test slaughtered under Federal inspection, or under the inspection of a competent veterinarian authorized by the commissioner, he shall have the power to order such slaughter. If the carcass of any such animal shall pass the inspection without being condemned, the owner of the animal shall receive all proceeds secured from the sale of such carcass after payment for shipping, handling, and slaughtering charges have been deducted, in addition to the above mentioned 50 per cent appraisal value. If the carcass of any such animal shall be condemned by the inspectors, the owner of the animal shall receive the proceeds of the sale of the hide, tallow, offal, or any other proceeds from the sale of the carcass, after deducting the cost of handling, shipping, and slaughtering in addition to the above-mentioned 50 per cent appraisal valuation: *Provided*, That in case any animal is slaughtered and shows no signs of tubercular lesions the owner thereof shall be paid full value for such animal, but not exceeding \$75 in any case. In such case, however, the carcass of such animal shall be turned over to the commissioner of animal industry. In any case where an animal that has been tested by a State or Federal veterinarian is slaughtered and shows no signs of tubercular lesions, the owner of the same shall be paid 50 per cent of the value of the same, but such sum in no case shall exceed \$50 for a grade animal or \$100 for a registered thoroughbred animal. The commissioner shall have power to designate the places where suspected animals shall be slaughtered, and also to employ a competent inspector to examine the carcasses of slaughtered animals.

SEC. 16. The importation of cattle into the State for breeding or dairy purposes is hereby prohibited, excepting when such cattle are accompanied by a certificate of inspection made by a duly qualified veterinary surgeon, who is a graduate of a recognized veterinary college in the United States, Canada, or Europe. Such certificate shall show that at the time of said inspection and within 60 days prior to shipment said cattle had been subjected to tuberculin test and were free from tuberculosis. Duly certified certificates of inspection, giving in full the temperature records of the tuberculin test, must be prepared in triplicate, one of which is furnished the shipper, one furnished the transportation company hauling the cattle, and one forwarded immediately to the commissioner of animal industry. The expense of such inspection and certificate shall be paid by the owner of the cattle. The provisions of this act relating to the transportation of live stock shall not apply to persons transferring cattle through the State on cars to points beyond the State, or to persons living near the State line and owning land in adjoining States, and who may drive said cattle to and from said land for pasturage.

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SEC. 19. * * * The feeding of swine upon garbage, either raw or cooked, obtained elsewhere than on the premises where fed, is prohibited, unless such hogs shall have been inoculated with hog-cholera serum under the official supervision of the department of animal industry.

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SEC. 21. It shall be unlawful to import horses into this State for any purpose, except when such horses shall have been subjected to the mallein test by or under the direction of a graduate of some recognized veterinary college. A certificate shall accompany such horses and shall show the time and manner of making such test, the results thereof, and the manner in which said test was

conducted. It shall further state that at the time of the inspection, which shall not be more than 60 days prior to the importation, such horses were free from any contagious or infectious disease. Certified copies of such certificate shall be prepared in triplicate, one for the use of the shipper, one for the transportation company, and the third shall be forwarded immediately to the State commissioner of animal industry. The expense of procuring the inspection, testing, and certificate aforesaid shall be paid by the person seeking to import such horses into this State: *Provided*, That the provisions of this section shall not apply to the shipment of horses on cars through the State to points beyond where there is a continuous passage, nor to persons living in this State and owning land in an adjoining State, who may take their horses across the State line for pasturage or in connection with the working of such land.

* * * * *

SEC. 23. Any person violating, disregarding, or evading any of the provisions of this act, or any of the rules, regulations, orders, or directions of the commissioner of animal industry made pursuant hereto, shall be deemed to be guilty of a misdemeanor and by [sic] conviction thereof shall be punished by a fine of not less than \$10 nor more than \$500, or shall be imprisoned in the county jail for not more than six months, or both such fine and imprisonment in the discretion of the court. The doing of any act herein declared to be unlawful, or herein forbidden, shall be deemed to constitute a violation hereof.

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State Tuberculosis Hospital—Board of Trustees to Determine the Salaries and Allowances of Officers, Assistants, and Employees. (Act No. 10, Mar. 12, 1919.)

SECTION 1. Section 8 of act number 254 of the public acts of 1905, entitled "An act to establish a State sanatorium in some suitable locality in Michigan for the care and treatment of persons having tuberculosis, and making appropriations therefor, and to provide a tax to meet the same," as amended by act 200 of the public acts of 1913, same being section 1627 of the compiled laws of 1915, is hereby amended to read as follows:

SEC. 8. The board of trustees shall from time to time, subject to the provisions of act 286 of the public acts of 1907, determine the salaries and allowance of the officers, assistants, and employees of said sanatorium.

Central Michigan Tuberculosis Sanatorium—Sale of Property of—Act Establishing Sanatorium Repealed. (Act No. 20, Mar. 18, 1919.)

SECTION 1. As soon as may be after the taking effect of this act it shall be the duty of the board of trustees of the State sanatorium at Howell to sell on the best terms obtainable all of the property and effects of the Central Michigan Sanatorium. The proceeds thereof shall be paid into the general fund of the treasury of the State, and the said board shall make a full and detailed report to the governor of the State covering the said sale: *Provided*, That any property, whether real or personal, donated to the said board of trustees for the use and benefit of the Central Michigan Sanatorium shall be by said board returned to the donors within 10 days after this act shall take effect. The said board is authorized and empowered to execute any deed of real property or such other conveyance as may be proper for the purposes hereof.

SEC. 2. Act number 348 of the public acts of 1913, entitled "An act to establish a State sanatorium in the township of Jerome, county of Midland, State of Michigan, to be known as the Central Michigan Sanatorium, for the care and

treatment of persons having tuberculosis, and making appropriations therefor, and to provide a tax to meet the same," same being sections 1644 to 1666, inclusive, of the compiled laws of 1915, is hereby repealed. Any money or moneys remaining in the fund or funds appropriated by said act are hereby directed to be transferred to the general fund in the treasury of the State.

**Joint County Tuberculosis Hospitals—Establishment and Maintenance—
Employees—State Aid. (Act No. 414, May 13, 1919.)**

SECTION 1. Sections 1, 2, 5, 10, and 17 of act number 343² of the public acts of 1917, entitled "An act to provide for the establishment and maintenance of joint county sanatoriums for the treatment of tuberculosis," be and the same are hereby amended to read as follows:

SECTION 1. Any two or more counties in this State may cooperate for the establishment and maintenance of a joint county sanatorium for the treatment of tuberculosis in the manner hereinafter provided. It shall be competent for the board of supervisors of any county to appoint a committee of three citizens, taxpayers of the county, who are not members of the board to confer with a like committee similarly chosen from any other county or counties for the purpose of selecting and agreeing upon a site for a joint county sanatorium and procuring an option thereon. Said committee shall, through its chairman, communicate with the committees of the several boards of the counties cooperating and arrange for time and place of meeting. The committees from the several counties shall thereupon organize themselves into a joint committee and appoint one of its members chairman and a second member secretary. Said joint committee shall, at the next subsequent meeting of such board of supervisors of the counties cooperating, make a full report of its work, including a statement regarding said site and the estimated cost thereof. When after 60 days from the time of appointment of the last committee by any county cooperating with said joint committee shall have failed to agree upon a site the chairman of said joint committee shall so inform the president of the board of trustees of the Michigan State Sanatorium for Tuberculosis, and said president and the secretary of said board of trustees, together with the superintendent of said State Sanatorium, shall constitute a committee a majority of which shall have the power and shall proceed at once to select a site and obtain option thereon, and its decision shall be final and shall be made a part of said joint committee's report to the several boards of supervisors as hereinbefore provided. The board of supervisors shall have power to reimburse the members of such committees for all expenses incurred by reason of their duties.

Sec. 2. On presentation and adoption by the board of supervisors of the report of the joint committee, as specified in section 1 of this act, said board shall appoint two suitable persons, residents and taxpayers of said county, as members of the board of trustees of such joint sanatorium. In the first instance one of such trustees shall serve for a period of one year from and after his appointment and the other trustee shall serve for a term of two years from and after his appointment. Thereafter each trustee appointed in accordance with this act shall hold office for two years and until his successor is appointed and qualifies. Any person appointed as such trustee shall file his acceptance with the county clerk of his county and shall also take and file with said clerk the constitutional oath of office. The board of supervisors shall also appoint a committee of three to cooperate with said board of trustees as hereinafter provided. Said commit-

² Supplement No. 37 to the Pub. Health Repts., p. 226.

tee shall be members of the board of supervisors and shall serve for one year from and after their appointment or until their successors are elected and qualified.

SEC. 5. The board of trustees shall meet with the committee of three appointed by each board of supervisors in counties cooperating, as specified in section 2 of this act. Said committee shall estimate the amount to be expended for such site and sanatorium with the necessary equipment, together with the amount necessary for current expenses of such institution for the first year. Said board of trustees shall thereupon advertise for or otherwise procure plans and specifications for suitable building as soon thereafter as may be. Said committees and said board of trustees shall apportion the aggregate of the amount so required among the various counties concerned in proportion to the valuation of such counties as equalized by the State board of equalization at the preceding equalization thereof. The amount required to be raised by each of said counties, together with the total amount so determined, shall be certified by them to the several boards of supervisors, at the next session thereof, and they shall order a tax spread for such amount at the regular October meeting; or in its discretion any board of supervisors may borrow a part or all of such amount and issue the obligation of the county therefor. Any tax hereby authorized shall be spread and collected in the manner provided by the general tax law of the State, and shall be subject to all incidents thereof.

SEC. 10. Said board shall have general charge and oversight of the sanatorium established hereunder and may make rules and regulations therefor. Said board shall employ a competent person to act as superintendent of such institution who shall be the executive thereof. Said executive, with the consent of the board, may also employ other officials, nurses, and employees as may be found necessary and, with the approval of the board, fix the compensation of all persons appointed or employed hereunder. Such compensation shall be paid out of the fund hereinbefore provided for. No claim against such board of trustees arising out of contractual liability or otherwise shall be deemed to impose any obligation whatsoever on any of the counties contributing to the support of said institution.

SEC. 17. Any sanatorium established under the provisions of this act, and which shall have expended at least \$10,000 in building and equipment, may, upon application to the State board of health, be placed upon the approved list of joint county sanatoriums. A joint county sanatorium, once entered upon said approved list, may remain listed and be entitled to State aid so long as the scope and character of its work are maintained in such manner as to meet the approval of the State board of health. On the 1st day of July of each year the secretary of the board of each joint county sanatorium on the approved list shall report under oath to the State board of health the character of the work done and the treatment given, the number and names of the persons employed and patients treated and on said date remaining in such sanatorium, the amount contributed by each county for the support of such sanatorium, and such other matters as may be required by the State board of health. Upon receipt of such report, if it shall appear that the sanatorium has been maintained in a satisfactory manner, the secretary of the State board of health shall make a certificate to that effect, together with the cost of maintenance for the year and the amount actually contributed by each county therefor, and file it with the auditor general. Upon receiving such certificate the auditor general shall draw his warrant payable to the treasurer of each county contributing toward the maintenance of such sanatorium for that portion of the sum of \$6,000 which the expenditure of each county contributing shall have been of the total amount contributed by the participating counties for the support of such sanatorium for the preceding year. The auditor general shall annually, beginning in the year 1920, include and apportion in the

State tax such sum as shall have been so paid. Whenever the board of supervisors of any county shall be presented with a petition signed by 5 per cent of the electors of the county asking that said board submit to the voters of such county the question whether a sanatorium shall be established in cooperation with one or more adjacent counties, the board of supervisors shall submit the question to the voters of the county at the next election, and if a majority of the voters voting thereon shall favor the establishment of such sanatorium, then the board of supervisors shall establish the same as provided in this act. The petition shall specify the amount of tax to be levied, which tax levy shall not exceed 2 mills on the dollar. It shall also specify the maximum amount to be expended by such county as its proportion in the purchase of a site and construction of buildings of such sanatorium. The form of ballot for such election shall be substantially as follows:

Shall the county of _____ establish a tuberculosis sanatorium in conjunction with one or more adjacent counties, at cost to _____ County not to exceed _____ dollars?

Yes () No ().

State Health Commissioner and Deputy—Appointment, Qualifications, Salaries, Powers, and Duties. State Board of Health—Abolished. State Advisory Council of Health—Appointment, Compensation, Meetings, and Duties. Public Health Regulations—Making and Publication. Local Health Authorities—Powers and Duties. (Act No. 146, April 30, 1919.)

SECTION 1. Immediately upon the taking effect hereof the governor shall, with the advice and consent of the senate, appoint a State health commissioner, who shall assume office as soon as may be and shall continue therein to and including the 30th day of June, 1923. The successors of said commissioner shall be appointed by the governor, with the advice and consent of the senate, for terms of four years, beginning on the 1st day of July, 1923, and each four years thereafter: *Provided, however,* That any commissioner shall hold office until his successor is appointed and qualified. No person shall be appointed to the office of health commissioner unless he shall be a registered physician and shall have had at least five years' experience as a practicing physician, or in lieu of such experience shall have the degree of doctor of public health or its equivalent.

SEC. 2. The State health commissioner shall have general charge and supervision of the enforcement of the health laws of the State of Michigan and shall have the specific powers and duties hereinafter expressed. He shall be subject to removal by the governor for cause after due notice and hearing. He shall receive an annual salary of \$4,500 per annum payable in the same manner as are the salaries of other State officials and shall devote his entire time to the performance of the duties of his office.

SEC. 3. The State health commissioner may appoint a deputy, who shall be a registered physician or who shall hold the degree of doctor of public health or its equivalent, for whose acts the commissioner shall be responsible and who shall perform such duties in connection with the enforcement of the health laws of the State as may be assigned to him by the commissioner. During the illness, absence, or disability of the State health commissioner the deputy may execute all the duties of said office. He shall receive an annual salary of \$2,500 to be paid in the same manner and at the same time as the salaries of other State officers are paid. The appointment of the deputy may be revoked at any time by the commissioner. He shall qualify by taking and filing the constitutional oath of office and by executing and filing with the commissioner such bond as the commissioner may require from him.

SEC. 4. The State health commissioner shall exercise all of the powers and perform all of the duties now vested by law in the State board of health or in any member, committee, or officer thereof, including the secretary, subject to the provisions of this act. The State board of health is hereby abolished: *Provided, however,* That the rules, regulations, and ordinances of said board heretofore regularly adopted thereby and in force at the time of the passage of this act shall be and remain in force and effect unless and until the same shall be altered, modified, or repealed in accordance herewith. Such orders, regulations, and ordinances shall be deemed to be and shall have the same force and effect as orders, regulations, and ordinances made or adopted hereunder by said commissioner with the advice and consent of the advisory council of health.

SEC. 5. Immediately upon the taking effect hereof the governor shall appoint five persons, with the consent of the senate, who shall constitute the State council of health. In the first instance the term of one member so appointed shall expire on the 30th day of June, 1921; the term of two members shall expire on the 30th day of June, 1923; and the term of two members shall expire on the 30th day of June, 1925. The governor shall indicate in his commissions the term for which each said member is appointed. The members of said council shall be entitled to their actual expenses incurred in performing the duties of their office and to the sum of \$10 per day while attending meetings of the council. The council shall convene on the call of the State health commissioner, providing they shall have at least four regular meetings each year, to be held at such times and places as the council may by its resolution fix. Except as herein provided, the duties of said council shall be advisory only. Upon the expiration of the term of office of each member the governor shall appoint a successor, who shall assume office on the 1st day of July following the appointment and shall hold the same for a term of six years and until his successor is appointed and qualified.

SEC. 6. The State health commissioner, and each member of the council appointed in accordance with the preceding section, shall, before entering on the performance of the duties of his office, take the constitutional oath of office and file the same in the office of the secretary of state. The health commissioner shall also give a bond to the People of the State of Michigan in the sum of \$10,000 for the faithful performance of the duties of his office and for the proper accounting of such moneys as may come into his possession by virtue of his office.

SEC. 7. With the concurrence of the State council of health, any three of whom shall constitute a quorum, the State health commissioner may make and declare rules and regulations in accordance with the laws of the State for the proper safeguarding of the public health and for preventing the spread of diseases or the existence of sources of contamination. Such rules and regulations shall be published in such manner as may be directed by the advisory council of health.

SEC. 8. Whenever in the opinion of the State health commissioner conditions found by him to exist in any township, village, or city of the State are such as to constitute a menace to the public health, either within or without the limits of such municipality, such commissioner may by himself, or by his deputy, or medical inspector, enter such township, village, or city and take full charge of the administration of the health laws, rules, regulations, and ordinances applicable thereto: *Provided, however,* That said commissioner shall not act hereunder in any city maintaining a health department with a full-time health office, except with the consent of the advisory council of health.

SEC. 9. In case of an epidemic of any infectious or dangerous communicable disease within this State or any community thereof, the State health commissioner may, if he deem it necessary to protect the public health, forbid the holding of public meetings of any nature whatsoever except church services which may be restricted as to number in attendance at one time, in said community, or may limit the right to hold such meetings in his discretion. Such action shall not be taken, however, without the consent and approval of the advisory council of health. Any order made pursuant to this section shall be published in such manner as the advisory council of health may direct and shall become effective at a date specified in said order. Such order shall be signed by the health commissioner and if applicable to the entire State be countersigned by the governor.

SEC. 10. The State health commissioner may appoint such clerical assistants as may be necessary to enable him to perform the duties hereby imposed, or imposed by any other law of the State. It shall be the duty of the board of auditors to provide suitable quarters and facilities for the accommodation of the State health commissioner and the health department. All salaries and expenses incurred under this act shall be paid out of the amount specifically appropriated for the purpose of carrying out the provisions of this act with the approval of the State health commissioner.

SEC. 11. Subject to the provisions of this act, all city, village, and township health officers, health board[s], and health departments shall respectively perform the duties and exercise the powers now imposed and granted by law. It shall be the duty of all local health officials to cooperate in every way possible with the State health commissioner and the State advisory council of health. Willful failure to do so shall be deemed to be misfeasance in office.

SEC. 12. Any person violating any regulation, rule, or order of the State health commissioner, or of the State health commissioner and the State advisory council of health, shall be deemed to be guilty of a misdemeanor and on conviction thereof shall be subject to a fine of not more than \$200 or to imprisonment in the county jail not more than six months, or both such fine and imprisonment in the discretion of the court. Nothing in this act shall be construed or operate to empower or authorize the State commissioner of health, or any health officer, or their representatives, to restrict in any manner the individual's right to select the physician or mode of treatment of his choice: *Provided*, That sanitary laws and the laws, rules, and regulations relating to infectious and contagious diseases are complied with.

Health Districts—Appointment, Powers, and Duties of Board of Health—Taxes. (Act No. 221, May 12, 1919.)

SECTION 1. Sections 4 and 6 of act No. 130⁴ of the public acts of 1917, entitled "An act to authorize the formation of health districts composed of contiguous townships and villages; for the appointment of a board of health therein; to define the powers and duties of said board; to authorize the employment of a district health officer, and to prescribe penalties for offenses hereby created," are hereby amended to read as follows:

SEC. 4. Immediately upon the adoption of the resolution aforesaid, the township board of each township, common council or board of trustees of each village embraced within the health district, shall select by ballot a member of the district board of health, who shall reside within said health district: *Provided, however*, That members of said township boards, common councils,

⁴ Supplement No. 37 to the Pub. Health Repts., p. 229.

or boards of trustees shall be ineligible to such selection. The person so appointed shall be notified of such fact by the township or the village clerk. The persons so appointed shall constitute said district board, and the first meeting thereof may be called at a suitable time and place within the district by any two of such members on the serving of written notice upon the other members of the board. Each member of such board shall hold his office for two years and until his successor is appointed and qualifies. At such first meeting, the board shall proceed to organize by the election of a president, who shall be the presiding officer of the board, and a secretary and treasurer. Said board shall adopt rules governing procedure, its time and place of meeting and other matters necessary to the carrying on of the said work of said board. It shall have general care and oversight of the public health of said district and may exercise all powers granted by the general law of the State to boards of health of townships and villages. Authority is also hereby granted to such board to make such regulations and by-laws respecting nuisances, causes of sickness, and other matters pertaining to the public health within such health district as may be deemed necessary for the public health and safety, not repugnant to the general laws of the State. Any person violating such regulation or any by-law shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not exceeding \$100, or to imprisonment in the jail not exceeding 90 days, or to both such fine and imprisonment in the discretion of the court.

SEC. 6. Prior to the 1st day of October of each year, said district board of health shall prepare estimates of the amount that will be necessary for the ensuing year for the carrying on of the purposes of this act in said district and shall cause the same to be filed with the township clerk. It shall be the duty of said clerk to place said estimates before the township board thereof. Said township board shall consider the estimate [sic] thus presented and, upon the approval by the common council or board of trustees of the village or villages within said township, shall direct the raising of such amount in the various townships and villages composing such health district as may be required. The aggregate of such amount shall be proportioned among the various townships and villages comprising said health district in accordance with the assessed valuations thereof and shall be certified, spread, and collected in the same manner as provided in the general tax laws of the State for the certifying, spreading, and collecting of the State and county tax. When collected, such sum shall be paid into the township treasury and shall be by the township treasurer placed in a special fund to be known and designated as "The general fund of health district number _____ of the county of _____."

Eggs Held in Cold Storage or Artificially Preserved—Sale. (Act No. 69, Apr. 15, 1919.)

SECTION 1. For the purposes of this act the term "cold-storage eggs" shall be construed to mean eggs that have been held in cold storage for 30 days or more at or below a temperature of 40° F., and the term "held eggs" shall be construed to mean eggs that have been held for 30 days or more and artificially preserved by packing in salt, water glass or other preservatives.

SEC. 2. Whenever eggs that have been held in cold storage or artificially preserved are sold at wholesale or retail, or offered or exposed for sale, the basket, box or other container in which the eggs are placed shall be marked plainly and conspicuously with the words "cold-storage eggs" or "held eggs," as the case may be, or there shall be attached to such container a placard or sign having on it the said words printed in black on a white background, no

other lettering on or to be attached to said sign or placard. If eggs that have been in cold storage or are artificially preserved are sold at retail or offered or exposed for sale without a container, or placed upon a counter or elsewhere, a sign or placard, having the words "cold-storage eggs" or "held eggs" plainly or conspicuously marked upon it shall be displayed in, upon or immediately above the said eggs, the intent of this act being that cold-storage or artificially preserved eggs sold or offered or exposed for sale shall be designated in such a manner that the purchaser will know that they are cold-storage or held eggs. The display of the words "cold-storage eggs" and "held eggs," as required by this act shall be in letter not less than 1 inch in height except that the container in which eggs sold at retail are delivered to the customer may be stamped or marked in letters less than 1 inch in height if uncondensed gothic type is used, but such letters shall in no case be less than one-half inch in height.

SEC. 3. It shall be the duty of the food and drug commissioner to enforce the provisions of this act.

SEC. 4. Any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in a sum not more than \$100 or by imprisonment in the county jail for not more than three months, or by both such fine and imprisonment.

Canning or Preserving Fruits and Vegetables for Sale—License Required—Sanitary Regulation of Establishments. (Act No. 411, May 13, 1919.)

SECTION 1. All persons, firms, corporations, and associations are prohibited from engaging in the business of canning or preserving fruits and vegetables for sale without first having been licensed so to do by the food and drug commissioner of the State of Michigan.

SEC. 2. License to engage in the business specified in section 1 shall be granted by the food and drug commissioner to any person, firm, corporation, or association lawfully entitled to do business within the State, annually, commencing with the 1st day of July, 1919, upon the production of evidence satisfactory to the commissioner in such form as he may require that the applicant can and will comply with the provisions of this act, and upon the payment of a license fee of \$25. Moneys received by the food and drug commissioner under the provisions hereof shall be paid by him into the State treasury and be used to help defray the expenses incurred in the enforcement of this act.

SEC. 3. All factories engaged in the business specified in section 1 hereof shall be located so as to receive raw material and distribute their products promptly without danger of damage or deterioration. Such factories shall not be located in any place which is insanitary or which can not be made sanitary, or in the immediate vicinity of any works from which noxious odors are given off, or in which decomposed substances are kept or used. Such factories shall not be located where refuse and by-products can not be disposed of in a sanitary manner and in such manner as not to create a nuisance.

SEC. 4. Persons, firms, corporations, and associations engaged in the business specified in section 1 shall prevent the accumulation of litter, waste, refuse, or decomposed matter in or around the buildings, yards, or grounds used by them. All liquid waste shall be conducted from the buildings by suitable drains. By-products suitable for other uses may be retained in a sanitary manner. Gross by-products may be stacked or may be placed in silos separate from the factory properly drained.

SEC. 5. All buildings used in the canning of fruit and vegetables shall be clean and properly lighted and ventilated. The ceiling shall be of sufficient height to

permit ample clearance for all work under any shafting, hangers, piping, or other apparatus suspended therefrom. When natural light and ventilation are not sufficient, the same shall be augmented by mechanical methods. The interiors of all working rooms shall be kept a light color by paint, whitewash, or other similar substances. The floors of all factories shall be water-tight and pitched so as to properly drain all waste to the sewers. Gratings shall be provided around cookers and washers and other places where overflow is unavoidable. All scalders, blanchers, and tanks of water in which any goods are held shall be provided with a continuous fresh supply of water and an overflow.

SEC. 6. Cans shall not be brined or siruped by submergence. Only potable water shall be used in making sirup or brine, or to wash equipment coming in contact with food.

SEC. 7. All tables, pails, pans, trays, utensils, conveyors, machines, and floors shall be cleaned and sterilized with steam and water at least as often as at the close of business each day, and as much oftener as is necessary to prevent souring and insure proper sanitation. Ample water and steam supply shall be furnished to keep the factory clean. Roadways about the factory shall be sprinkled, oiled, or otherwise treated to prevent dust.

SEC. 8. All fruits and vegetables shall be washed before canning.

SEC. 9. Wash rooms shall be provided for employees conveniently located and of sufficient size and equipment for the accommodation of all employees. Separate rooms shall be provided for each sex, and such rooms shall be equipped with running water and provided with individual and sanitary towels and plenty of soap. Sanitary drinking fountains shall be conveniently placed for employees, and the use of common drinking cups or cans or apparatus used about the factory for drinking purposes is prohibited. No person afflicted with any infection or contagious disease, or who is suffering from any infected wound shall be employed or shall work in any factory engaged in the business specified herein. The use of tobacco and spitting on the floor is prohibited. Employees shall be properly clothed for the work they are to do, and if a change from street clothing to working clothing is necessary, dressing rooms for each sex shall be provided by the employer with suitable hangers or lockers. Employees are required to keep their finger nails clean and short and to wash their hands each time before commencing their work after any absence from the workroom.

SEC. 10. The food and drug commissioner shall have authority to suspend any license granted by him upon cause shown, and any circuit court may revoke any license which has been granted hereunder upon the filing of a petition therefor by the food and drug commissioner or by the prosecuting attorney of the county and the practice and procedure upon such petition shall be the same as in civil actions at law.

SEC. 11. License shall not be granted to persons, firms, corporations, and associations who shall have been convicted of violating any of the provisions of this act in the preceding year until in addition to the showing required by section 2 hereof and the payment of the fee hereinbefore provided they shall in the discretion of the commissioner give a bond with one or more sureties to be approved by the commissioner conditioned that they shall under penalty of not less than \$500 nor more than \$10,000 obey the provisions of this act.

SEC. 12. It shall be the duty of the food and drug commissioner to foster and encourage the canning industry in this State, and for that purpose he shall investigate the general conditions of canning factories with full power to himself, his deputies or inspectors, to enter upon any premises for such investigation with the object in view of improving the quality and creating and maintaining

uniformity of the products canned and produced in such factories. The commissioner shall, as soon as practicable after this law becomes effective, make such rules and regulations as he deems necessary to successfully carry into effect the provisions of this act.

SEC. 13. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$25 nor more than \$500, or by imprisonment in the county jail for not more than 90 days or by both fine and imprisonment in the discretion of the court.

Soft Drinks or Other Nonalcoholic Beverages—Manufacture—Sterilization, Labeling, and Kind of Bottles Used—Sanitation of Premises and Utensils. (Act No. 259, May 12, 1919.)

SEC. 9. All bottles used in the manufacture of soft drinks or other nonalcoholic beverages, before being filled, shall be sterilized by soaking in a hot caustic solution of not less than 120° F., that shall contain not less than 3 per cent caustic or alkali expressed in terms of sodium hydrate for a period of not less than five minutes, then thoroughly rinsed in pure water until free from alkali or sodium hydrate. Each and every bottle so sterilized, when filled with a soft drink or other nonalcoholic beverage, must be distinctly labeled with the true name of the soft drink or other nonalcoholic beverage therein contained.

SEC. 10. All buildings, stores, factories, or other places where soft drinks or other nonalcoholic beverages are manufactured or bottled shall be well lighted and ventilated and shall be kept at all times in a sanitary condition. All machines, bottles, jars, or other utensils used in the manufacture of soft drinks or other nonalcoholic beverages shall be kept at all times in a clean and sanitary place and in a sanitary condition.

SEC. 11. No bottles shall be used in the manufacture of soft drinks or other nonalcoholic beverages in which the metal or rubber part of the stopper comes in contact with the beverage. The provisions of this section shall not apply to carbonated water put up in siphons.

SEC. 13. Any person, firm, or corporation who shall do any of the acts or things prohibited, or neglect or refuse to do any of the acts or things required by this act, or in any way violate any of its provisions, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$100, or by imprisonment in the county jail for a period of not more than 90 days, or by both such fine and imprisonment in the discretion of the court.

SEC. 14. The food and drug commissioner shall be charged with the enforcement of the provisions of this act.

SEC. 15. Act No. 288, public acts of 1915, is hereby repealed.

Sewage Treatment Plants Owned or Operated by Municipalities—Operation and Supervision. (Reg. Dept. of H., Sept. 18, 1919.)

XXXII. *Operation of sewage-treatment plants.*—After November 1, 1919, all municipalities now or hereafter owning or operating any sewage-treatment plant shall be required to submit monthly reports of the details of operation and tests of efficiency of such plants on blanks prepared by the Michigan Department of Health for that purpose.

Any municipality not having facilities for making the tests which may be prescribed from time to time shall be required to provide the necessary facilities and designate some competent person or persons to make the required tests and to supervise the plant.

It shall be the duty of the person or officer having in charge the operation of the sewage-treatment plant to fill out the monthly blank, certify to the truth of the statements contained therein, and forward the same to the Michigan Department of Health within 10 days after the close of each calendar month.

Liquid Waste—Discharge of, Into Streams, Etc., by Industrial Plants. (Reg. Dept. of H., Sept. 18, 1919.)

XXXIII. Disposition of liquid waste products.—No factory or other industrial plant operating within this State shall discharge any liquid waste into any stream, river, or lake herein that is of such a character as to constitute a nuisance or to be injurious to the public health: *Provided*, That this rule shall not be construed to prevent such method of disposal of liquid waste that shall have been properly treated in such manner as to render it harmless.

Garbage—Collection and Disposal—Cities and Villages Having Less Than 150,000 Authorized to Levy a Tax or Issue Bonds. (Act No. 253, May 12, 1919.)

SECTION 1. The title and section 1 of act No. 298 of the public acts of 1917, entitled "An act to authorize cities and villages having a population of less than 50,000 to levy a tax for the purpose of collecting and disposing of garbage, and providing for the issuance of bonds therefor and repealing all acts inconsistent herewith," are hereby amended to read as follows:

TITLE.

An act to authorize cities and villages having a population of less than 150,000 to levy a tax for the purpose of collecting and disposing of garbage, and providing for the issuance of bonds therefor and repealing all acts inconsistent herewith.

SECTION 1. The city council of each incorporated city in this State, whether organized under the general law or special charter, having a population of less than 150,000, and the president and board of trustees of each village in the State of Michigan having a population of less than 150,000, shall have power to establish and maintain garbage systems or plants for the collection and disposal of garbage in such city or village, and may levy a tax not to exceed 2 mills on the dollar on all taxable property in the city or village according to the valuation of the same, as made for the purpose of State and county taxation by the last assessment in said city or village for such purposes. Said annual garbage tax shall be in addition to the amount authorized to be levied for general purposes by the general law or special charter under which said city or village is incorporated: *Provided*, That all cities or villages having a population of less than 150,000 may, for the construction of a garbage-disposal plant or system, issue bonds in a sum not to exceed 2 mills on the dollar on all taxable property in the city or village, according to the valuation of the same, as made for the purpose of State and county taxation by the last assessment in said city or village, and may make said bonds run for a period of not to exceed five years and to bear interest at a rate not to exceed 5 per cent per annum payable semiannually.

Embalming—Practice of—License from State Board of Health Required. (Act No. 32, Mar. 28, 1919.)

SECTION 1. The title and sections 1 and 9 of act No. 132 of the public acts of 1903, as last amended by act No. 151, of the public acts of 1907, entitled "An

act empowering the State board of health to determine the qualifications necessary, examine and license persons qualified to practice the art of embalming and regulate the practice of embalming dead human bodies, and to repeal act No. 233 of the public acts of 1901," being sections 6906 and 6914 of the compiled laws of 1915, are hereby amended, and a new section is added to said act to stand as section 11 thereof, said amended title, amended sections, and added section to read as follows:

TITLE.

An act empowering the State board of health to examine, determine the qualifications of, and issue licenses to persons engaging in the business of embalming, undertaking, or funeral directing, and to provide for the revocation of such licenses in certain cases; to regulate the practice of embalming, shipping, and caring for dead human bodies, and to provide a penalty for the violation of this act.

SECTION 1. The State board of health is hereby authorized and empowered to determine the qualifications necessary to enable any person to lawfully embalm dead human bodies and disinfect the premises where any such body may have been. The said board, or some member thereof, shall examine all applicants for an embalmer's license, and shall issue an embalmer's license to all persons who successfully pass such examination. No person shall embalm any dead human body unless he shall hold a valid unrevoked and unexpired license from the Michigan State Board of Health authorizing him to practice the art of embalming. All persons who are engaged in the business of undertaking, embalming or funeral directing, or who profess to be engaged in such business, or who hold themselves out to the public as undertakers, embalmers or funeral directors shall be required to possess a certificate showing that they are licensed embalmers. Any person embalming or attempting to embalm, or caring or attempting to care for a dead human body, either as an embalmer, assistant embalmer, undertaker or funeral director except under the immediate and personal direction of a licensed embalmer, shall be deemed to be practicing the art of embalming, and any person so embalming or caring, or attempting to care for a dead human body, or who shall prepare for transportation or burial or otherwise dispose of any dead human body or hold himself out as practicing embalming, undertaking or funeral directing without being the holder of an embalmer's license granted by the State board of health, shall be deemed guilty of a violation of this act. The term embalming as used in this act shall be taken to mean the disinfection or preservation of the dead human body, entire or in part, by the use of chemical substances, fluids or gases on the body, or by the introduction of same into the body by vascular or hypodermic injection, or by direct application into the organs or cavities. The finding of any such chemical substance, fluid or gas ordinarily used in embalming, or any trace, evidence or appearance thereof upon a dead human body, the use of which is prohibited except by licensed embalmer, or the placing thereof on a dead human body by any person who is not a holder of an embalmer's license, shall constitute prima facie evidence of the violation of the terms of this act: *Provided*, That nothing in this act shall apply to any person who prepares dead human bodies for burial without the assistance of an undertaker or embalmer, or without acting in the capacity of an embalmer or undertaker.

SEC. 9. Any person who shall violate any of the provisions of this act shall, upon conviction thereof, be punished by a fine of not more than \$300 or by imprisonment for not more than one year, or by both such fine and imprisonment, in the discretion of the court. It is hereby made the duty of all prose-

cuting attorneys to see that the provisions of this act are enforced in their respective counties. It shall also be the duty of all health officers in their respective cities and townships to inform against and assist in the prosecution of all persons who there is reasonable cause to believe are guilty of violating any of the provisions of this act.

SEC. 11. All persons not heretofore subject to this act shall be allowed until the 31st day of July, 1919, to comply with the provisions hereof.

First-Aid Cabinets—Required on Railroad Trains and Interurban Electric Cars. (Act No. 342, May 13, 1919.)

SECTION. 1. On and after the 1st day of November, 1919, every railroad company owning and operating any steam railway or any interurban electric railway wholly or partly within this State, shall provide and carry in one coach on every train owned or used by said company for the conveyance and carriage of passengers, a first-aid cabinet near the door thereof and within easy view, reach, and access of passengers occupying such car, which cabinet shall at all times contain the various contents specified in section 2, to be used for the safety and aid of passengers in case of emergencies: *Provided*, This section shall not apply to caboose cars on freight trains nor to electric street cars operated wholly within cities for local traffic.

SEC. 2. The first-aid cabinet shall at all times be equipped with and contain the following contents in a clean and sanitary condition:

(1) Eight standard first-aid packages for wounds, each one of which shall contain one dozen pieces of antiseptic lintine or felted cotton, one dozen gauze bandages with compress attached, and one triangular bandage.

(2) Ten ounces absorbent lint.

(3) Two burn dressing packets.

(4) Four packages absorbent gauze, each containing 1 yard.

(5) Six packages absorbent cotton, each containing 4 ounces.

(6) One spool adhesive plaster, 1 inch wide.

(7) Twelve cotton roller bandages, 2 inches wide.

(8) Twelve cotton roller bandages, 2½ inches wide.

(9) Eight linton gauze bandages, 1 inch wide.

(10) Eight linton gauze bandages, 2 inches wide.

(11) Twelve linton gauze bandages, 2½ inches wide.

(12) One 4-ounce bottle aromatic spirits of ammonia.

(13) One pint of tincture of iodine.

(14) Twelve wooden splints.

(15) Six packages safety pins.

(16) Three tourniquets.

(17) Two pairs of scissors.

SEC. 3. Any person or employee of any railroad company who shall remove or carry away from their proper place, except in case of an accident or emergency, any of the contents specified in section 2 which are required to be kept in the passenger cars and interurban cars by the provisions of this act, shall be deemed guilty of an offense, and upon conviction thereof may be punished by a fine not exceeding \$50 or imprisonment in the county jail not exceeding 30 days, or both such fine and imprisonment in the discretion of the court.

SEC. 4. Any railroad company or interurban railway company failing, refusing, or neglecting to carry out the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not exceeding \$100 for each offense.

SEC. 5. The provisions of this act shall be enforced by the State department of health.

Hanson Military Reservation—Use by the State or Any Municipal Subdivision Thereof for Recreational or Health Purposes. (Act No. 287, May 13, 1919.)

SECTION 1. The grounds known and designated as the Hanson Military Reservation may hereafter be used by the State, or any municipal subdivision thereof, for recreational purposes, the establishment of fresh-air camps, and such other purposes of a recreational or health giving nature as may be incident thereto: *Provided, however,* That such use shall at no time interfere with the use of said grounds by the military establishment of the State, and no tubercular or venereal patients shall be permitted to use said grounds: *And provided further,* That the quartermaster general shall have control and management of said lands, under the supervision of the State military board, as provided by law.

SEC. 2. The use of said grounds, for purposes stated in section 1 thereof, shall be under the direction of the State department of health and such board is hereby authorized to appoint some suitable person to have charge thereof under the direction and supervision of said board. The person so appointed shall receive such compensation as shall be determined by said board, such compensation to be paid from the appropriation herein provided.

SEC. 3. Any State institution, or any city, village, township, or county desiring to establish fresh-air camps or to use such grounds for any other recreational or health giving purpose, may by making application to said board, be assigned space on said grounds for such purpose: *Provided, however,* That no camps, lodges, cottages, or other buildings shall be erected thereon without permission for such erection being granted by the State military board.

SEC. 4. Whenever any space has been so allotted to any State institution, or to any county, city, village, or township, it shall be the duty of the military board to see that a proper water supply is furnished the location so allotted; also, to properly light the same.

SEC. 5. All expense connected with the establishment of the camp, or other recreational or health-giving purpose, shall be borne by the institution or municipality establishing the same: *Provided, however,* That the State military board in its discretion may place at the disposal of such institution or municipality any available buildings, tentage, or other military stores owned by the State and in the possession of such board.

SEC. 6. There is hereby appropriated from the general fund in the State Treasury for the State department of health the sum of \$25,000, from which amount the necessary expenses imposed under this act upon said board shall be paid and the balance thereof shall constitute a revolving fund. The board may expend therefrom the initial expense for establishing such camps or other purposes, which amounts when collected from the institutions or municipalities shall be returned to such fund.

SEC. 7. The auditor general shall add to and incorporate in the State tax for the year 1919 the sum of \$25,000, which, when collected, shall be credited to the general fund to reimburse the same for the money hereby appropriated.

MINNESOTA.

Communicable Diseases—Burial—Funerals—Transportation of Dead Bodies—Procedure When Patient Resides in Lodging House or Hotel—Library or School Books—Disposal of Discharges—Disinfection—Handling and Sale of Milk and Other Foodstuffs—School Attendance—Closing of Schools—Transfer of Patients. (Reg. Bd. of H., Oct. 14, 1919.)

24. Only licensed embalmers shall be permitted to take charge of the remains of those who have died of any communicable disease. Such remains shall be properly disinfected and inclosed in a tightly sealed coffin which shall not thereafter be opened.

Private funerals.—The funeral shall be strictly private when the death has been due to smallpox, scarlet fever, diphtheria, epidemic cerebrospinal meningitis, epidemic anterior poliomyelitis, epidemic influenza, or other dangerous communicable disease.

Private funeral defined.—A private funeral allows the presence of the immediate family and requires the exclusion from the house or premises where such death occurred of all other persons not resident in the tenement with the deceased, and already exposed to the disease, except the embalmer and his necessary assistants and a minister of religion, who shall be present only when the embalmer in charge of the case is also present and who shall be directed by said embalmer as to the precautions to be taken: *Provided*, That the total number of persons present at any such funeral shall not exceed 15, exclusive of the minister, the embalmer, and the embalmer's necessary assistants.

Private funerals can not be held from churches. Neither the funeral party nor the body may be taken to the church. Attendance at interment is limited to those enumerated above.

36. The transportation of bodies dead of smallpox, plague, Asiatic cholera, typhus fever, diphtheria (membranous croup, diphtheretic sore throat), scarlet fever (scarlet rash, scarlatina), epidemic cerebrospinal meningitis, epidemic anterior poliomyelitis (infantile paralysis), and epidemic influenza, shall be permitted only under the following conditions:

The body shall be thoroughly embalmed with an approved disinfectant fluid, all orifices shall be closed with absorbent cotton, the body shall be washed with the disinfectant fluid, enveloped in a sheet saturated with the same, and placed at once in the coffin or casket, which shall be immediately closed, and the coffin or casket or the outside case containing the same shall be metal, or metal lined and hermetically and permanently sealed.

305. *Cases occurring in hotels.*—Any person who is infected with diphtheria, epidemic influenza, scarlet fever, smallpox, trachoma, tuberculosis, or typhoid fever and is residing in a common lodging house or hotel shall be removed therefrom, under the supervision of the local health officer, to a suitable hospital or place of quarantine, if necessary, in order to prevent exposure of other persons to infection. In such cases, if an infected person can not be removed without danger to his or her health, the local health officer shall make provisions for the care of such individual in the house where he or she may be

found and may cause other persons in the house to be removed therefrom after being submitted to the necessary disinfection.

309. *Books exposed to infection.*—Upon notification of the case, the health officer shall inquire whether there are any library books or books owned by a school, in a house where diphtheria, epidemic influenza, scarlet fever, smallpox, typhoid fever, pulmonary or glandular tuberculosis in the infectious stage exists. If so, he shall notify the library or school authorities, who shall cause such books to be burned at the termination of the disease.

Library or school books must not be loaned to persons residing in a house where diphtheria, scarlet fever, smallpox, typhoid fever, pulmonary or glandular tuberculosis in the infectious stage exists.

310. *Disposal of bodily discharges.*—The bodily discharges of any person affected with a communicable disease shall not be disposed of in such a way as to cause offense or danger to the other persons.

Nose, throat, and mouth discharges must be received in paper or other suitable receptacles and burned at once. Bowel and bladder discharges must be disinfected before being deposited in a sewer or cesspool. Where no sewer or cesspool exists, bowel and bladder discharges shall be disinfected and afterward buried in such a manner as to prevent the access of flies or insects to them. All articles exposed to possible infection from the aforesaid discharges must be cleansed and disinfected according to the directions of the State board of health.

312. *Milk and butter from infected premises.*—No milk, cream, butter, or other food or food products, liable to be eaten without being cooked after handling shall be offered for sale or given to any party or delivered to any creamery, butter factory, store, shop, or market from a house where a case of diphtheria, epidemic influenza, scarlet fever, smallpox, or typhoid fever exists, nor shall any person, resident in such house handle in any capacity milk or milk products offered for sale. The sale of such food or food products is forbidden from farm premises where any of the diseases mentioned exist except under the following conditions:

Those having to do with the food or food products shall eat, sleep, and work wholly outside of the affected house or part of the house in which the patient is isolated, and shall in no way handle any thing or person whatever coming from or connected with the quarantined house or part thereof, nor shall those under isolation in the house handle any person or thing connected with the food or food products.

314. *Burial of dead from communicable diseases.*—The body of one dead of a communicable disease shall be prepared for burial by a licensed embalmer only. The funeral shall be strictly private.

320. *Permits to reattend school.*—A person having a communicable disease (see lists under regulations 300 and 301) or any other transmissible affection (tonsillitis, mumps, conjunctivitis, impetigo contagiosa, itch, ringworm, etc.) or a parasitic infection (lice or other vermin), or any person residing in a house in which any such disease exists, or has recently existed, shall be excluded from attending any public, private, parochial, church or Sunday school until the health officer of the sanitary district concerned shall have given his permission for such attendance.

(Note.—Use health officers' certificates as permits.)

324. *Closure of private schools.*—When a private boarding school, or an institutional school of any kind, where all or part of the pupils are housed within the institution, is closed because of the presence of a communicable disease in the institution, notification of the fact by the person in charge of the school or

institution shall be made by telephone or telegraph, and in writing to the State board of health, and no child, teacher, or employee in said school or institution shall be permitted to leave the sanitary district in which the school is located.

(*Note.*—The closing of schools on account of communicable diseases is rarely necessary and before closing the school the exact number of cases should be reported, together with details of the situation, to the State board of health.)

325. *Transfer of patients.*—A patient suffering from anterior poliomyelitis, cerebrospinal meningitis, chicken pox, diphtheria (laryngeal croup, membranous croup), influenza (and pneumonia following), measles (and pneumonia following), pneumonia, scarlet fever (scarlatina, scarlet rash), smallpox, typhoid fever and paratyphoid fever, or whooping cough, may be transferred from one sanitary district to another only when permission is secured in writing from the health officer at the point of departure and from the health officer in jurisdiction at destination. These two written approvals must be submitted to the executive officer of the Minnesota State board of health for his approval. The transfer must be made in such a way that it will not expose anyone to infection.

Written assurance must be given the health officer at point of destination that this transfer will impose no financial obligation on said community.

Ophthalmia Neonatorum—Notification of Cases—Preventive Treatment—Duties of Physicians, Midwives, Hospitals, Local Health Officers, Etc. (Reg. Bd. of H., Oct. 14, 1919.)

1001. It shall be the duty of any physician or midwife in attendance on, or in charge of, a confinement case to treat the eyes of a every newborn babe with a 1 per cent solution of silver nitrate.

1002. It shall be the duty of any midwife immediately to call a legally licensed physician in every case in which symptoms of inflammation develop in one or both eyes of infants under her care.

1003. It shall be the duty of any physician, surgeon, obstetrician, midwife, nurse, maternity home or hospital of any nature, parent, relative, and any person or persons attendant on, or assisting in any way whatsoever, any woman at childbirth, or attendant on, or assisting in any way whatsoever, any infant, or the mother of any infant, at any time within two weeks after childbirth, knowing the condition hereinabove defined to exist, and within eight hours thereafter, to report such fact, as the State board of health shall direct, to the local health officer of the city, village, or township within which the infant is cared for.

1004. It shall be the duty of all maternity homes and of hospitals, public and charitable institutions to maintain such records of cases of ophthalmia neonatorum as the State board of health shall direct. It shall be the duty of any and all maternity homes, hospitals, public and charitable institutions, and all other institutions having the care of any infant, in addition to reporting as hereinbefore provided, to employ a licensed physician in the treatment of the conditions described in regulation 96.

1005. It shall be the duty of the local health officer—

(a) To investigate each case as filed with him in pursuance with the law, and any other such case as may come to his attention.

(b) To report all cases of ophthalmia neonatorum, and the result of all such investigations as he shall make as the State board of health shall direct.

(c) To conform to such other rules and regulations as the State board of health shall promulgate for his further guidance.

Influenza—Placarding—Isolation—Quarantine—Public Meetings and Gatherings—Public Eating Places. Pneumonia—Placarding—Funerals. (Reg. Bd. of H., Oct. 14, 1919.)

Regulations 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 318, 319, 320, 321 and the following govern the control of influenza.

1800. The local health officer shall post in a conspicuous place upon the entrance to premises where influenza exists, a notice in words and form as follows:

<p>INFLUENZA</p> <p>exists on these premises.</p> <p>All persons except attending physicians are forbidden to go into or away from this house or to carry anything away from the house without the permission of the health officer. The occupants of this house will be held responsible for the unauthorized removal of this card.</p> <p>By order of _____,</p> <p style="text-align: right;">Health Officer.</p> <p>_____, 19___</p> <p style="text-align: center;">(Date.)</p>	
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1801. The health officer shall isolate the infected person and attendant from other persons living in the same premises. All persons in the household where a case of influenza exists shall be required to remain in quarantine until five days after the death, or subsidence of fever and clinical symptoms, of such case or cases. An adult wage earner who has not been in contact with the infected person or attendant may continue his or her occupation. Any person living in such premises may be removed from quarantine after the lapse of five days from his or her last possible exposure to such case.

1802. All public meetings and gatherings in any community where an epidemic of influenza exists are prohibited, except where such meeting or meetings shall be specifically authorized by the State board of health or the executive officer thereof upon an application properly made.

1803. In any community where an epidemic of influenza exists and where gatherings are permitted as provided for in regulation 1802, it shall be the duty of all employers, supervisors, managers, teachers in public, private, parochial, or other schools, conductors or drivers of public conveyances, or others in charge of or responsible for groups of persons, to exclude from such groups all persons who sneeze or cough or have coryza, sore throat, fever, running nose, or other symptoms which might be symptoms of influenza. It shall be the duty of any person excluding any other person from a group under the circumstances hereinbefore mentioned, to report the name and address of such excluded person or persons to the local health officer, whose duty shall be to investigate such person and take such other steps as may be necessary for the protection of the public. The minister or other officer in a church, the manager in a theater or other assemblage, or any other person connected with the management of any meeting or gathering, or any other person designated therefor by the local health officer, shall be considered in charge of such meeting for the purpose of this regulation.

1804. In any community where an epidemic of influenza exists the health officer shall investigate all places where food or beverages are served publicly, and shall prescribe methods for the handling and cleaning of dishes and utensils, and in his discretion shall close any or all such places during the continuance of such epidemic when he deems such action necessary for the protection of the public health.

1900. The local health officer shall post in a conspicuous place upon the entrance to premises where pneumonia exists, a notice in words and form as follows:

<p>WARNING.</p> <p>PNEUMONIA</p> <p>exists on these premises</p> <p>The occupant of this house will be held responsible for the unauthorized removal of this card.</p> <p style="text-align: right;">-----, Health Officer.</p> <p style="text-align: center;">-----, 19-- (Date.)</p>	
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1901. The local health officer shall remove the warning card upon notification by the attending physician that all acute symptoms have subsided. In case of death from pneumonia unassociated with influenza, either in the individual or within the household, the warning placard shall be removed by the health officer following the removal of body from the house.

1902. In case of death from pneumonia complicating influenza or during the presence of an epidemic of influenza in a community, the funeral shall be strictly private, and the health officer shall remove the card as provided in regulation 1802 [1901?].

Typhoid Fever—Hospitals to Report Cases to State Board of Health—Reports of Convalescents or Carriers Discharged from Hospitals. (Reg. Bd. of H., Oct. 14, 1919.)

1605. It shall be the duty of the superintendent of any public or private hospital or sanatorium to report in writing to the division of preventable diseases of the State board of health within 24 hours of time of diagnosis each case of typhoid fever or typhoid infection occurring among inmates or employees, giving all available epidemiological data.

On discharge from any hospital or sanatorium of any person suffering or convalescent from typhoid fever or of any person known to be a carrier of typhoid organisms it shall be the duty of the superintendent of such hospital or sanatorium to report the fact in writing to the division of preventable diseases of the State board of health within a period of 24 hours, giving the destination of such person.

Typhoid Fever—Prevention of Spread—Water-Closets, Privies, and Cesspools to be Made Fly Proof—Disinfection of Excreta. (Reg. Bd. of H., Oct. 14, 1919.)

1603. Whenever typhoid fever prevails in a locality, the local board of health shall appoint immediately a competent inspector or inspectors to patrol the city, village, or district involved. Such inspector or inspectors shall report to the local board of health all water-closets and privies which are not fly proof and all vaults and cesspools which are not dark and fly proof. Thereupon the local board of health shall enter its proper order in the premises to the end that all such water-closets and privies shall be made fly proof and all such vaults and cesspools dark and fly proof.

All excreta shall be treated with chloride of lime or other suitable disinfectants.

Note.—Stables, manure piles, and other probable fly-breeding places should be reported to local board of health for action.)

Communicable Diseases—Isolation. (Reg. Bd. of H., Apr. 29, 1919.)

Isolation.—This will require isolation of the patient and attendants as under quarantine, but without restrictions on other members of the family except as stated under specific regulations relating to the diseases coming under this head. The diseases coming under the head of isolation are anterior poliomyelitis, epidemic cerebrospinal meningitis, chicken pox, erysipelas, measles, typhoid fever, tuberculosis, venereal disease, and whooping cough.

Communicable Diseases—Disinfection and Disposal of Discharges—Cleaning and Disinfection of Exposed Articles—Funerals. (Reg. Bd. of H., Oct. 14, 1919.)

[Regulations 402 and 403¹ of the regulations of the Minnesota State Board of Health were repealed on October 14, 1919.]

Venereal Diseases—Notification of Cases—Instructions and Circular of Information to be Given Patient—Examination of Persons Suspected of Being Infected—Quarantine—Placarding—Unlawful for Infected Person to Expose Others to Infection—Sale of Medicine—Repression of Prostitution—Issuance of Certificates of Freedom from Venereal Diseases—Reports not to be Disclosed—Laboratory Tests and Reports—Length of Treatment. (Reg. Bd. of H., Apr. 29, 1919.)

250. Syphilis, gonorrhea and chancroid, hereinafter designated venereal diseases, are hereby declared to be contagious, infectious, communicable, and dangerous to the public health.

251. It shall be the duty of every person who makes a diagnosis of, or gives treatment for, a case of syphilis, gonorrhea, or chancroid, to report immediately to the State board of health on a form supplied for the purpose, the name and address, age, sex, color, occupation, marital status, and probable source of infection of such diseased person together with such other information as may be required: *Provided*, That, except as required in regulation 252, the name and address need not be reported.

In reporting such cases the patient shall be identified by the serial number on the report; this serial number shall be made part of the physician's record of the case. It shall be the duty of all physicians or others treating or examining persons venereally diseased to keep a record, including the name and address of all persons diagnosed by them as infected with any venereal disease. This regulation shall apply to all physicians, superintendents or managers of hospitals, dispensaries, and charitable or penal institutions, and all other persons treating or examining cases of venereal disease.

252. The name of a patient having venereal disease shall be reported under the following conditions: (a) When a person applies to a physician or other person for the diagnosis or treatment of syphilis, gonorrhea, or chancroid, it shall be the duty of the physician or person so consulted to inquire of, and ascertain from the person seeking such diagnosis or treatment, whether such person

¹ Pub. Health Repts. Reprint 264, p. 249.

has theretofore consulted with, or been treated by, any other physician or person, and if so, to ascertain the name and address of the physician or person so consulted. It shall be the duty of the applicant for diagnosis or treatment to furnish this information, and a refusal to do so, or a falsification of the name and address of such physician or person consulted by such applicant, shall constitute a violation of these regulations. It shall be the duty of the physician or other person whom the applicant then consults, to notify the physician or other person last previously consulted of the change of advisors. Should the physician, or other person previously consulted, fail to receive such notice within 10 days after the last date upon which the patient was instructed by him to report for further examination or treatment, it shall be the duty of such physician or person to report the name and address of such venereally diseased person to the State board of health.

(b) If an attending physician or other person knows or has good reason to suspect that a person has syphilis, gonorrhea, or chancroid, and is so conducting himself or herself as to expose other persons to infection, or is about so to conduct himself or herself, he shall notify the State board of health of the name and address of the diseased person and the essential facts of the case.

253. It shall be the duty of every physician and of every other person who examines or treats a person having syphilis, gonorrhea, or chancroid, to instruct such person in measures preventing the spread of such disease, and inform him of the necessity for treatment until cured, and to give him a copy of the circular of information provided for this purpose by the State board of health.

254. All local health officers are hereby directed to use every available means to ascertain the existence of, and immediately to investigate, all known or suspected cases of syphilis, gonorrhea, or chancroid, within their respective districts and to ascertain the sources of such infection. In such investigations said health officers are hereby vested with full power of inspection, isolation, or quarantine, and disinfection of all infected persons, places, and things. As such inspectors said local health officers are hereby directed to make such examination of persons reasonably suspected of having syphilis, gonorrhea, or chancroid, as may be necessary for carrying out these regulations: *Provided, however,* That all personal examinations must be made by a competent, regularly licensed physician. Owing to the prevalence of these diseases among prostitutes and persons associated with them, all persons arrested and charged with offenses against public morals and decency, shall be considered within the class to which this regulation applies.

255. Local health officers are authorized and directed to quarantine persons who have, or are reasonably suspected of having syphilis, gonorrhea, or chancroid, whenever, in the opinion of said local health officer, or the State board of health, or its executive officer, quarantine is necessary for the protection of the public health. In establishing quarantine the health officer shall designate and define the limits of the area in which the person known to have, or reasonably suspected of having syphilis, gonorrhea, or chancroid, and his attendant, are to be quarantined and no persons, other than the attending physicians, shall enter or leave the area of quarantine without the permission of the local health officer.

No one but the local health officer, or executive officer of the State board of health, or the authorized agent of one of them, shall terminate said quarantine, and this shall not be done until the diseased person has become noninfectious.

The local health officer shall inform all persons who are about to be released from quarantine for venereal disease, in case they are not cured, what further treatment should be taken to complete their cure. Any person not cured before

released from quarantine shall be required to sign the following statement after the blank spaces have been filled to the satisfaction of the health officer:

I, _____, residing at _____, hereby acknowledge the fact that I am at this time infected with _____, and agree to place myself under the medical care of _____ (name of physician or clinic) within _____ hours, and that I will remain under treatment of said physician or clinic until released by the health officer of _____ or until my case is transferred, with the approval of said health officer, to another regularly licensed physician or an approved clinic.

I hereby agree to report to the health officer within four days after beginning treatment as above agreed, and will bring with me a statement from the above physician or clinic of the medical treatment applied in my case, and thereafter will report as often as may be demanded of me by the health officer.

I agree, further, that I will take all precautions recommended by the health officer to prevent the spread of the above disease to other persons and that I will not perform any act which would expose other persons to the above disease.

I agree until finally released by the health officer to notify him of any change of address and to obtain his consent before moving my abode outside his jurisdiction.

(Signature.)

(Date.)

All persons signing the above agreement shall observe its provisions; any failure so to do shall be a violation of these regulations.

256. It shall be a violation of these regulations for any infected person knowingly to expose another person to infection with any of the said venereal diseases or for any person knowingly to perform an act which exposes another person to infection with venereal disease.

256a. No druggist, pharmacist, or other person shall sell, give away, prescribe, or administer to any person any drug, medicine, or preparation thereof intended to be used for the treatment, relief, or cure of any venereal disease except upon written prescription of a duly licensed physician.

257. Prostitution is hereby declared to be a prolific source of syphilis, gonorrhea, and chancroid, and the repression of prostitution is declared to be a public health measure. All health officers are therefore directed to cooperate with the proper officers whose duty it is to enforce laws directed against prostitution, and otherwise to use every proper means for the repression of prostitution.

257a. Physicians, health officers, and all other persons are prohibited from issuing certificates of freedom from venereal disease, providing this rule shall not prevent the issuance of necessary statements of freedom from communicable diseases written in such form or given under such safeguards as will prevent their use in solicitation for sexual intercourse. Such statements shall not be used or exhibited for solicitation for immoral purposes.

257b. All information and reports concerning persons having, or reasonably suspected of having, venereal disease shall be inaccessible to the public and shall not be disclosed, except in so far as publicity may necessarily attend the performance of duties imposed by these regulations and by the laws of the State or of the United States.

257c. All persons reasonably suspected of having a venereal disease shall submit to an examination as shall be deemed necessary by the State board of health: *Provided*, That where such examination is of a personal nature it shall be made only by a licensed physician.

It shall be the duty of every person attending a case of venereal disease, or suspected case of venereal disease, to secure specimens for examination when required to do so by the State board of health.

All laboratories making tests for syphilis and gonorrhea shall require the physician's serial identification number of his case, and in event of a positive finding shall forward a report of said finding with patient's number to the State board of health.

257d. All persons infected with a venereal disease shall continue under treatment or proper observation until no longer able to transmit the infection. In the case of gonorrhea this shall be until all clinical and microscopic evidence is negative.

In the case of syphilis this shall be until all clinical and laboratory evidence is negative and sufficient treatment to reasonably insure a cure has been taken.

In the case of chancroid this shall be until all ulcerations are completely healed.

257e. The parent or guardian of a minor affected with venereal disease shall be responsible for the compliance by such minor with the requirements of the rules and regulations relating to venereal disease.

257f. Whenever a case or suspected case of venereal disease is found on premises used for immoral purposes, or whenever a case of venereal disease is found upon premises where it can not be properly isolated or controlled, or where the infected person will not consent to removal to a hospital or sanatorium where he or she can be properly isolated or controlled during the period of infectiousness, the health officer or representative of the State board of health shall put in a conspicuous place on the entrance to the premises where such venereal disease exists a notice in words and form as follows:

WARNING. VENEREAL DISEASE Exists on These Premises.	
Posted by order of	_____
	<i>Health Officer.</i>
_____	_____, 19__
(Date.)	

Such notice shall be printed in black boldface type upon a red card with the words "venereal disease" in letters not less than 3 inches high.

257g. A person affected with a venereal disease who neglects or refuses to obey the instructions of the State board of health or the local health officer in matters relating to the protection of others against the disease shall be placed under quarantine in a suitable place and shall not be permitted to leave such place until such time as the danger of infecting others no longer exists.

Repapering, Recalculining, Etc., in Rooms Where There Has Been Communicable Disease—Disinfection and Removal of Old Paper or Covering.
(Ch. 479, Act Apr. 25, 1919.)

SECTION 1. No wall, partition, or ceiling or [sic] any room in which there has been contagious disease in any tenement house, hotel, or dwelling shall be repapered, calcimined, or have any other covering placed thereupon unless the old paper or other covering shall have first been disinfected and removed therefrom and the said wall, partition, or ceiling cleaned, disinfected, and free from bugs, insects or vermin.

SEC. 2. Any person, firm, or corporation violating any of the provisions of this act shall be guilty of a misdemeanor.

Tuberculosis Hospitals in Certain Counties—Establishment and Maintenance—Taxes—Payment of Expenses. (Ch. 78, Act Mar. 18, 1919.)

SECTION 1. *One mill tax levy authorized for tuberculosis sanatorium.*—The county board of any county in this State which has heretofore established or shall hereafter either by itself or in conjunction with another county or counties establish a tuberculosis sanatorium may annually levy a tax on all taxable property in the county of not to exceed 1 mill on the dollar, for the construction, improvement, equipment, and enlargement of such sanatorium and the improving and enlarging of the site thereof, but in no case shall an annual levy in excess of such 1 mill be made therefor without authority conferred by a vote of the voters of said county.

SEC. 2. *Sanatorium commission to fix amount necessary for maintenance; not to exceed 2 mills on assessed valuation.*—The county sanatorium commission shall determine by resolution each year prior to July 1 the amount of money necessary for the maintenance of such sanatorium during the following year and a certified copy of such resolution shall be forthwith forwarded to the board or boards of county commissioners, and such board or boards shall at the regular meeting in July include the properly approved and apportioned amount in the annual levy of county taxes. In no case shall the amount of such levy in any one year exceed 2 mills on the dollar of assessed valuation.

In no case shall the total levy made for all purposes as expressed in sections 1 and 2 in any one year exceed 2 mills on the assessed valuation without authority conferred by a vote of the voters of said county or group of counties.

SEC. 3. *Manner of payments to be made by State.*—The amount due from the State to the sanatorium commission for the care and treatment of free patients shall be certified to the State auditor at the end of each month by the sanatorium commission. The State auditor shall draw his warrant in favor of the sanatorium commission in charge of the sanatorium in question in payment of such amounts and forward same to such commission: *Provided*, That the president and executive secretary of the advisory commission of the Minnesota Sanatorium for Consumptives certify that the institution has been properly conducted. All other payments for the care and treatment of patients in such sanatorium and all other moneys due such sanatorium commission shall be paid to such commission at the sanatorium. The commission shall designate the superintendent or some other person as treasurer, who shall furnish satisfactory surety bond and to whom shall be paid all sums due the commission and such treasurer shall collect all arrearities. Funds thus received shall be deposited by such treasurer in some bank, to be designated by the commission, to the credit of the sanatorium commission in an account to be known as the "----- sanatorium maintenance fund."

SEC. 4. *Statement of expenses and certifying and payment of same.*—The sanatorium commission shall on or before the 10th day of each month ascertain the amount of expenses incurred for the preceding calendar month for the operation and maintenance of such sanatorium, as shown by claims allowed by it and shall deduct from the same the amount of cash receipts of the sanatorium commission for that month and shall certify to the county auditor or county auditors, as the case may be, the amount due from each county for its share of the net expenses for the month in question.

In case the sanatorium is maintained by two or more counties the proportionate shares to be thus certified shall be based upon the population of the respective counties.

Upon the receipt of the certificates above referred to, the county auditor or the county auditors, as the case may be, shall forthwith draw warrants upon

the county sanatorium fund of his county for the amount due such sanatorium commission and forward the same to it, and the funds so received shall be deposited to the credit of the sanatorium commission as provided for in section 3 hereof.

Payments for duly allowed claims against the sanatorium commission shall be paid by checks therefor and signed by the president and secretary of such commission, except as in section 5 herewith provided.

SEC. 5. *Revolving fund.*—A revolving fund for the payment of expenses requiring immediate cash payment, such as postage, express, and other necessary cash transactions that may be specified by the commission, shall be placed in the hands of the superintendent of the sanatorium, who may deposit such part thereof as he deems advisable in some bank to the credit of such commission in an account to be known as the _____ sanatorium revolving fund. The portion of the fund so deposited may be checked upon by the superintendent.

Such revolving fund shall be created by the commission and reimbursed from time to time as necessity may require by county auditor or county auditors' warrants pursuant to certificates issued therefor by the sanatorium commission.

Receipts shall be taken by such superintendent for all moneys, disbursed either in cash or by check, from such revolving fund.

SEC. 6. *Surety bond to be furnished by depository and by secretary and treasurer.*—The bank or banks so designated as depositories by the sanatorium commission shall furnish surety bonds in amount as required by the commission and at least in a sum equal to the amount of funds that are likely to be deposited in such banks at any one time. The secretary and treasurer of such commission shall each furnish a surety bond in an amount to be determined by the commission. This act shall not apply to or affect any county now or hereafter having more than 150,000 inhabitants.

Tuberculosis Hospitals in Certain Counties—Erection or Enlargement of Buildings—Maintenance. (Ch. 216, Act Apr. 10, 1919.)

SECTION. 1 *New buildings authorized for St. Louis County sanatorium.*—That in any county in this State, now or hereafter having an assessed valuation of over \$250,000,000 exclusive of money and credits and an area of over 5,000 square miles, the county sanatorium commission of said county is hereby authorized to issue its duly authenticated vouchers or warrants drawn upon the sanatorium fund of said county, not exceeding the total amount permitted by law to be levied as a tax upon the taxable property of such county exclusive of money and credits for the purpose of defraying part or all of the costs of erecting and equipping a new and additional building or buildings for enlarging such sanatorium or improving sanatorium buildings or for general maintenance purposes, in the manner now provided by law.

SEC. 2. *Tax for funds for maintenance; authority to issue vouchers.*—That said county sanatorium commission shall determine by resolution each year prior to July 1 the amount of money necessary for the maintenance of such sanatorium, including any new buildings or the improvement of any sanatorium building during the current or ensuing year, and a certified copy of such resolution shall be forthwith forwarded to the county board of such county, and such county board may at any time thereafter and prior to July 1, and shall not later than its regular meeting in July of each year, include the property approved and apportioned amount so certified to it in the annual tax levy of the taxes for said county for the ensuing year, but in no case shall the amount

of such levy in any one year exceed 1 mill on the dollar of the assessed valuation of the taxable property in said county, exclusive of money and credits.

That at any time after the approval by the county board of such amount so certified by the county sanatorium commission to said county board for the purpose of maintenance and erecting and repairing buildings, said county sanatorium commission shall have authority to issue its vouchers or warrants upon said county sanatorium fund not exceeding the amount so certified to and approved by said county board, as hereinbefore provided.

SEC. 3. *In addition to already existing powers.*—That the authority hereby granted shall be in addition and supplemental to all powers heretofore vested by law in any such county board or county sanatorium commission.

County Tuberculosis Hospitals—Monthly Reports and Annual Examination of Financial Transactions. (Ch. 321, Act Apr. 21, 1919.)

SECTION 1. That section 5 of chapter 500,¹ General Laws of Minnesota, 1913, be amended to read as follows:

SEC. 5. Such county sanatorium commission shall file monthly, on or before the 15th of each month, with the State auditor reports of all its financial transactions for the preceding month, and the public examiner shall examine all the books and accounts of said county sanatorium commission pertaining to its financial transactions at least once a year and make report thereof to the governor.

Maternity Hospitals—Licensing and Regulation. (Ch. 50, Act Sept. 22, 1919.)

SECTION 1. Any person who receives for care and treatment during pregnancy or during delivery or within 10 days after delivery more than one woman within a period of six months, except women related to him or her by blood or marriage, shall be deemed to maintain a maternity hospital. The word "person" where used in this act shall include individuals, partnerships, voluntary associations, and corporations: *Provided, however,* That this act shall not be construed to relate to any institution under the management of the State board of control or its officers or agents.

SEC. 2. The State board of control is hereby empowered to grant a license for one year for the conduct of any maternity hospital that is for the public good and that is conducted by a reputable and responsible person; and it shall be the duty of the board of control to prescribe such general regulations and rules for the conduct of all such hospitals as shall be necessary to effect the purposes of this act and all other laws of the State relating to children so far as the same are applicable and to safeguard the well-being of all infants born therein and the health, morality, and best interests of the parties who are inmates thereof. No maternity hospital shall receive a woman for care therein without first obtaining a license to conduct such hospital from said board of control. No such license shall be issued unless the premises are in fit sanitary condition. The license shall state the name of the licensee, designate the premises in which the business may be carried on, and the number of women that may be properly treated or cared for therein at any one time. Such license shall be kept posted in a conspicuous place on the licensed premises. No greater number of women shall be kept at any one time on the premises for which the license is issued than is authorized by the license, and no woman shall be kept in a building or place not designated in the license. A record of the license so issued shall be

¹ Pub. Health Repts. Reprint 264, p. 257.

kept by the board of control, which shall forthwith give notice to the State board of health and to the local board of health of the city, village, or town in which the licensee resides of the granting of such license and the conditions thereof. The license shall be valid for one year from the date of the issuance thereof. The State board of control may, after due notice and hearing, revoke the license in case the person to whom the same is issued violates any of the provisions of this chapter, or when, in the opinion of said board, such maternity hospital is maintained without due regard to sanitation and hygiene, or to health, comfort, or well-being of the inmates or infants born to such inmates or in case of the violation of any law of the State in a manner disclosing moral turpitude or unfitness to maintain such hospital or that any such hospital is conducted by a person of ill repute or bad moral character.

Written charges against the licensee shall be served upon him at least three days before hearing shall be had thereon and a written copy of the findings and decision of the board upon hearing shall be served upon the licensee in the manner prescribed for the service of summons in civil actions.

Any licensee feeling himself aggrieved by any decision of the board may appeal to the district court by filing with the clerk thereof in the county where his hospital is situated within 10 days after written notice of such decision a written notice of appeal specifying the grounds upon which the appeal is made.

The appeal may be brought on for hearing in a summary manner by an order to show cause why the decision of the board should not be confirmed, amended, or set aside. The written notices and decisions shall be treated as the pleadings in the case and may be amended in the discretion of the court. The issues shall be tried anew by the court and findings shall be made upon the issues tried.

Either party may appeal to the supreme court from the determination of the district court within five days after notice of filing the decision, in the manner provided for appeals in civil action.

No revocation of license shall become effective until any appeal made shall have been determined. In case of the revocation of a license, the board shall make a notation thereof upon its records and give written notice of such revocation to the licensee by delivery of a copy of the order of revocation to the licensee or leaving a copy thereof with a person of suitable age and discretion living upon the premises. In case of revocation the board of control shall also notify the State board of health and the local board of health of the city, village, or town in which the hospital is situated.

SEC. 3. No person, as an inducement to a woman to go to any maternity hospital during confinement, shall in any way offer to dispose of any child or advertise that he will give children for adoption or hold himself out as being able to dispose of children in any manner.

SEC. 4. The State board of control may prescribe forms for the registration and record of persons cared by in any such hospital, and the licensee shall be entitled to receive gratuitously from the board of control a book of forms for such registration and record. Each book shall contain a printed copy of this chapter. The licensee of a maternity hospital shall keep a record in the form to be prescribed by said board, wherein shall be entered the true name of every patient, together with all her places of residence during the year preceding admission to said hospital, the name and address of the physician or midwife who attended at each birth taking place at such hospital, or who attended any sick infant therein, and the name and address of the mother of such child; the name and age of each child who is given out, adopted or taken away to or by any person, together with the name and residence of the person so adopting or taking away such child, and such other information as will be within the knowledge of the licensee and as the board shall prescribe.

SEC. 5. Every birth occurring in a maternity hospital shall be attended by a legally qualified physician or midwife. The licensee owning or conducting such hospital shall within 24 hours after a birth occurs therein, make a written report thereof to the State board of control, giving the name of the mother, the sex of the child, and such additional information as shall be within the knowledge of the licensee and as may be required by the board. The licensee owning or conducting any such hospital shall immediately after the death in a maternity hospital of a woman, or an infant born therein or brought thereto, cause notice thereof to be given to the local board of health of the city, village, or town in which such hospital is located.

SEC. 6. The officers and authorized agents of the State board of control, and of the State board of health and the local board of health of the city, village, or town in which a licensed maternity hospital is located, may inspect such hospital at any time and examine every part thereof. The officers and agents of the State board of control may call for and examine the records which are required to be kept by the provisions of this act and inquire into all matters concerning such hospital and patients and infants therein; and the said officers and authorized agents of the State board of control shall visit and inspect such hospitals at least once every six months and shall preserve reports of the conditions found therein. The licensee shall give all reasonable information to such inspectors and afford them every reasonable facility for viewing the premises and seeing the patients therein.

SEC. 7. Whenever a woman who within 10 days after delivery of a child, or a woman who is pregnant, is received for care in a maternity hospital, the licensee of such maternity hospital or the officer in charge of such other hospital, shall use due diligence to ascertain whether such child is legitimate and if there is reason to believe that such child is illegitimate, or will be when born illegitimate, such licensee shall report to the State board of control forthwith the presence of such woman, together with such other information as shall be within the knowledge of the licensee and as the board may require.

SEC. 8. No officer or authorized agent of the State board of control, State board of health or the local board of health of the city, village, or town where such licensed hospital is located, or the licensee of such a hospital, or any of its agents, or any person, shall directly or indirectly disclose the contents of the records herein provided for, or the particulars entered therein, or facts learned about such hospital, or the inmates thereof, except upon inquiry before a court of law, at a coroner's inquest or before some other tribunal, or for the information of the State board of control, State board of health or the local board of health of the village, city, or town in which said hospital is located: *Provided, however,* That nothing herein shall prohibit the board of control, with the consent of any patient in such hospital, disclosing such facts to such proper persons as may be in the interest of such patient or the infant born to her.

SEC. 9. In a prosecution under the provisions of this act or any penal law relating thereto a defendant who relies for defense upon the relationship of any woman or infant to himself, shall have the burden of proof.

SEC. 10. Every person who violates any of the provisions of this act shall upon conviction of the first offense be guilty of a misdemeanor. The second or subsequent offense shall be a gross misdemeanor.

Homes for Infants—Licensing and Regulation. (Ch. 52, Act Sept. 22, 1919.)

SECTION. 1. Any person who receives for care or treatment or has in his custody at any one time three or more infants under the age of 3 years, unat-

tended by a parent or guardian, for the purpose of providing them with food, care, and lodging, except infants related to him by blood or marriage, shall be deemed to maintain an infants' home. The word "person" where used in this act shall include individuals, partnerships, voluntary associations, and corporations: *Provided, however*, That this act shall not be construed to relate to any institution under the management of the State board of control or to its officers or agents, nor to any person who has received for care alone, children from not more than one family during any period of three months.

SEC. 2. The State board of control is hereby empowered to grant a license for one year for the conduct of any infants' home that is for the public good, and is conducted by a reputable and responsible person; and it shall be the duty of the board to provide such general regulations and rules for the conduct of all such homes as shall be necessary to effect the purposes of this act and all other laws of the State relating to children so far as the same are applicable, and to safeguard the well-being of all infants born therein and the health, morality, and best interests of the patients who are inmates thereof. No person shall receive an infant for care in any such infants' home without first obtaining from said board a license to conduct such infants' home. No such license shall be issued unless the premises are in a fit sanitary condition. The license shall state the name of the licensee, the particular premises in which the business may be carried on, and the number of infants that may be properly boarded or cared for therein at any one time; and such license shall be kept posted in a conspicuous place on the licensed premises. No greater number of infants shall be kept at any one time on the premises than is authorized by the license and no infant shall be kept in a building or place not designated in the license. A record of the licenses so issued shall be kept by the board of control, which shall forthwith give notice to the State board of health and to the local board of health of the city, village, or town in which the licensee resides of the granting of such license and the conditions thereof. The license shall be valid for one year from the date of issue. The State board of control may, after due notice and hearing, revoke the license if any provision of this chapter is violated, or when, in the opinion of said board such infants' home is maintained without due regard to sanitation and hygiene or to the health, comfort, morality, or well-being of the inmates thereof, or in case of the violation of any law of the State, in a manner disclosing moral turpitude or unfitness to maintain such hospital, or upon evidence that any such hospital is conducted by a person of ill-repute or bad moral character. Written charges against the licensee shall be served upon him at least three days before hearing shall be had thereon and a written copy of the findings and decision of the board upon hearing shall be served upon the licensee in the manner prescribed for the service of a summons in civil actions.

Any licensee feeling himself aggrieved by any decision of the board may appeal to the district court by filing with the clerk thereof in the county where his hospital is situated within 10 days after written notice of such decision a written notice of appeal specifying the grounds upon which the appeal is made.

The appeal may be brought on for hearing in a summary manner by an order to show cause why the decision of the board should not be confirmed, amended, or set aside. The written notices and decisions shall be treated as the pleadings in the case and may be amended in the discretion of the court. The issue shall be tried anew by the court and findings shall be made upon the issues tried.

Either party may appeal to the supreme court from the determination of the district court within five days after notice of filing the decision, in the manner provided for appeals in civil action.

No revocation of license shall become effective until any appeal made shall have been determined.

In case of revocation the board shall make an appropriate notation upon the records of the granting of such license and give written notice of the revocation of the license to the licensee by serving a copy of the order of revocation upon the licensee in the manner provided by law for the service of a summons in a civil action. Upon such revocation the board of control shall forthwith notify the State board of health, and the local board of health of the city, town, or village in which the infants' home is situated.

SEC. 3. The State board of control may prescribe forms for the registration and record of infants cared for in such home and the licensee shall be entitled to receive gratuitously from the board of control a book of forms for such registration and record. Each book shall contain a printed copy of this chapter. The licensee of an infants' home shall keep a record in a form to be prescribed by the State board of control, wherein shall be entered the name and age of each child received or cared for in such home, together with the names and addresses of the parents and the name and address of the person bringing the child to the home; the name of any physician attending any sick infant in the home; the name and age of each infant who is given out, adopted, or taken away to or by any person, together with the name and residence of the person so adopting or taking away such infant; and such other information as the board shall prescribe. The licensee immediately after the death in an infants' home of an infant shall cause notice thereof to be given to the local board of health of the city, village, or town in which such home is located.

SEC. 4. The officers and authorized agents of the State board of control and of the State board of health and the local board of health of the several cities, villages, and towns of the State in which a licensed infants' home is located may inspect such home at any time and examine every part thereof. The officers and agents of the State board of control may call for and examine the records which are required to be kept by the provisions of this act and inquire into all matters concerning such home and the infants therein; and the officers and agents of the State board of control shall visit and inspect such homes at least once in every six months and shall make, and the board shall preserve, reports of the conditions found therein. The licensee shall give all reasonable information to such inspectors and afford them every reasonable facility of viewing the premises and seeing the inmates.

SEC. 5. Whenever an infant is received for care in an infants' home, the licensee of such home shall use due diligence to ascertain whether such child is legitimate, and in case there is any reason to believe that such infant is an illegitimate child, then and in such case such licensee shall notify the board of control thereof and furnish said board with such information bearing on such question as may have come to the knowledge of the licensee or any officer or agent of any such home.

SEC. 6. No officer or authorized agent of the State board of control, State board of health, of the local board of health of the city, village, or town where such licensed home is located, or the licensee of such a home, or any of its agents, or any other person, shall directly or indirectly disclose the contents of the records herein provided for, or the particulars entered therein, or facts learned about such homes, or the inmates thereof, except upon inquiry before a court of law, at a coroner's inquest or before some other tribunal, or for the information of the State board of control, State board of health, or the local board of the village, city, or town in which said home is located: *Provided, however,* That nothing herein shall prohibit the board of control disclosing such

facts to such proper persons as may be in the interest of any child maintained in said home with the consent of the mother of said child.

SEC. 7. In a prosecution under the provisions of this act or any penal law relating thereto, a defendant who relies for defense upon the relation of any infant to himself, shall have the burden of proof as to such relationship.

SEC. 8. Every person who violates any of the provisions of this act shall upon conviction of the first offense be guilty of a misdemeanor. The second or subsequent offense shall be a gross misdemeanor.

Private Baby Homes—Regulation. (Reg. Bd. of H., Oct. 14, 1919.)

15. Rooms for babies must have plenty of fresh air and sunshine, preferably southern exposure, with at least one good-sized window opening outside. There must be adequate outside ventilation, both winter and summer.

16. Temperature in the room must be maintained at from 66° to 68° F.

17. Beds must be at least 6 feet apart.

18. Babies with colds and coughs must be kept in separate rooms, away from all other babies.

19. All soiled napkins must be thoroughly boiled.

20. All milk given babies must be boiled two minutes.

21. Babies under 6 months of age must have a diet prescribed by a licensed physician. Such babies must be seen and examined by the physician at least once a month.

22. Any baby losing weight or any baby who fails to gain an average weight of 4 ounces per week for two consecutive weeks must be seen in person by a licensed physician.

Department of Public Welfare in Certain Cities—Creation, Powers, and Duties—Abatement of Nuisances. (Ch. 327, Act Apr. 21, 1919.)

SECTION 1. There is hereby created and established an executive department in the municipal government of each city of this State now or hereafter having over 50,000 inhabitants and not governed under a charter adopted pursuant to the provisions of section 36, article 4, of the State constitution, to be known and designated as the department of public welfare. The powers and duties of such department shall be exercised and performed by an executive board, to be known and designated as the board of public welfare. Said board shall consist of the mayor, two members of the city council, to be appointed by the city council, and four members appointed by the mayor, which appointments shall be subject to confirmation by the city council. The two members of said board to be appointed by the city council from among its members shall be first appointed for the term beginning July 1 of the year in which the appointments are made and expiring on the first Monday of January of the second year thereafter, and thereafter such two members of said board shall be appointed biannually by the city council for the term of two years commencing with the first Monday of January of said second year, and on the first Monday in January of every second year thereafter. The four appointive members of said board to be appointed by the mayor shall first be appointed for terms of one year, two years, three years, and four years, respectively, from July 1 of the year in which the appointments are made. Thereafter the mayor shall appoint annually one member of such board for a term of four years beginning July 1 of the year in which such appointment is made. Any vacancy occurring for any cause in the office of any member of the board appointed by the mayor shall be filled for the unexpired term by appointment by the mayor of a member to fill such vacancy in the above-prescribed man-

ner. Each member of said board shall continue in office until his successor has been duly appointed and has qualified. Before entering upon the discharge of the duties of his office each member of the board shall make and file with the city clerk an oath that he will faithfully discharge the duties of his office. Said board shall organize and enter upon the discharge of its duties on July 1 following its creation and appointment, or on July 2, in case July 1 shall fall on Sunday or a legal holiday, at which meeting it shall elect from its members a president of the board who shall hold office for one year and until his successor is elected and has qualified. All members of the board shall serve without compensation as such members.

In cities within the class herein designated, existing at the time of the passage of the act, the first appointments by the mayor or city council shall be made before the 1st day of May, 1919. In the case of a city coming into the class after the passage of this act, the first appointments shall be made before May 1 of the year in which such city first comes within the class.

SEC. 2. The board of public welfare hereby created shall have and exercise general supervision and administrative control of all activities and agencies carried on and maintained by the city for: (1) The promotion and preservation of health, and the prevention and suppression of disease in the city; (2) the care, conduct, management, and operation of all hospitals, dispensaries, and clinics maintained by the city and the furnishing by the city of medical and dental service to the poor; (3) the relief of the poor, aged, and indigent, and the maintenance, management, control, and operation of all public institutions now or hereafter established by the city for the relief of the poor, aged, and indigent; and (4) the maintenance, care, management, conduct, and operation of all penal and correctional institutions established or to be established by the city; (5) *Provided*, Nothing in this act shall be construed as limiting the present power of the board of education of any city to provide for the promotion of health of the public-school children.

SEC. 3. Said board of public welfare shall have authority to issue orders, [and] adopt rules and regulations for the promotion and preservation of public health and the relief of the poor, aged, and indigent in the city, and for the management of the institutions under its care and control, which rules and regulations shall be in accordance and not inconsistent with the laws of the State or the ordinances of the city. The sole power and authority to pass ordinances relating to the promotion and preservation of health and the prevention and suppression of diseases in the city shall remain in the city council of the city as provided by its charter or any law other than this act.

SEC. 4. Said board shall hold its annual meeting on the first Tuesday after the first Monday of July in each year after its creation, and at such time shall elect a president from among its members, who shall hold office for one year and until his successor is elected and qualified. The board shall have power and authority to appoint a secretary of the board, a commissioner of health, a city physician, a superintendent of hospitals, a superintendent of relief, a superintendent of corrections, and such other heads of divisions of the public service under its control as the board may from time to time deem necessary. The city physician shall be the physician and surgeon to all departments of the city. Said board shall have power and authority to fix the term, salary, and compensation of each of such officers and to prescribe their duties and to discharge and remove any of them from office. The commissioner of health shall not be included in the classified service of the city under the civil service act, and shall not be subject to the provisions of such act.

SEC. 5. Said board shall have power and authority to determine the number of employees in each division under its control and to fix their salaries. The head of each division shall have power to appoint, subject to confirmation by the board, all subordinate employees in his division, and prescribe their duties. All employees of the board other than the commissioner of health shall be included in the classified service of the city [under the] said civil service act and their appointment, employment, suspension, and discharge shall be made under and pursuant to the provisions of such act.

SEC. 6. All officers and employees of the department of health, the board of charities and corrections, and the several boards, bodies, and persons having in charge the institutions, departments, and activities of such city, referred to in subdivisions 1 to 4, inclusive, in section 2 hereof at the time this act becomes effective therein, shall be eligible to similar offices and positions under the board of public welfare hereby created without being required to take civil-service examinations as to their qualifications therefor, and they shall continue in their respective offices or positions from the time this act goes into effect, until further action of the board.

SEC. 7. Upon the organization of the board hereby created there shall be transferred to the credit of the board in the city treasury all unexpended balances of the funds appropriated or set apart during the year in which the board under this act is first created in any city for the use of the department of health, the board of charities and corrections, and the several departments, boards, bodies, and persons having in charge the institutions, departments, and activities of the city referred to in subdivisions 1 to 4, inclusive, in section 2 hereof, together with all further revenues and funds that may or would accrue to the said departments, boards, and institutions if they were continued as separate departments, boards, or institutions of the city government.

SEC. 8. The board of public welfare shall prepare and submit to the city council at or before the first meeting of the council in September of each year the amount of money required for the support, maintenance, and operation of said board and of the several divisions of the public service under its control for the next fiscal year, and the city council shall, in making its annual estimate and levy for expenses of the city government, estimate and provide such sums as may be necessary for compensation of the officers and employees which the said board is authorized to appoint and employ, and for the improvement, repair, and maintenance of the buildings and grounds under its control, and all other expenses required for the board and each and every department or division of the public service under its control. The city council in addition to all other powers by it possessed, is hereby authorized, empowered, and required to levy a tax annually by resolution upon the taxable property within the city for such necessary amount: *Provided*, That the aggregate annual levy of such tax shall never exceed in any one year $3\frac{1}{2}$ mills on the dollar upon the assessed valuation of any such city. Such taxes shall not at any time be in excess of the maximum rate of taxation fixed for the purposes above mentioned by any board of tax levy or board of tax review. Such taxes when levied shall be extended upon the tax books and the tax lists of the county in which the city is situated, and such taxes shall be collected and payment thereof enforced in like manner as other city and county taxes are collected and payment enforced.

SEC. 9. All powers and duties possessed and imposed by law at the time a board of public welfare under this act is first created in any city, upon any department of health, board of charities and corrections, or upon any board, body, or person intrusted with the management and control of the institutions,

departments, and activities of such city, referred to in subdivisions 1 to 4, inclusive, in section 2 hereof at the time a board of public welfare under this act is first created in any city are hereby transferred to and vested in and imposed upon the board of public welfare of such city, and said board of public welfare so created is hereby authorized and empowered to exercise and perform all the powers and duties heretofore possessed by or imposed by law upon the departments, boards, bodies, or persons referred to in subdivisions 1 to 4, inclusive, in section 2 hereof and each of them as fully and to the same extent as if the same were herein expressly set forth and stated; but said board shall not issue any bonds or incur any indebtedness beyond the appropriations made by the city council for the use of the board. Said board shall be entitled to all fees and other receipts from its own department. Upon the organization of any board of public welfare under this act the said department of health, board of charities and corrections, and any boards or bodies intrusted with the management and control of the institutions, departments, and activities of such city, referred to in subdivisions 1 to 4, inclusive, in section 2 hereof, shall cease to exist, and shall no longer exercise the powers or perform the duties heretofore authorized and required of them by law, and the terms of office and employment of all officers and employees of said departments and boards herein abolished shall terminate and no longer continue, except as herein otherwise expressly provided.

SEC. 10. It shall be the duty of said board of public welfare to enforce all sanitary laws of the State applicable to the city and all city ordinances relating to sanitary regulations of the city, and cause all nuisances in the city to be abated with reasonable promptness, and for such purposes the board and its officers and employees shall be permitted and are hereby authorized, at all reasonable times, to enter upon or into any premises, house, or other building or structure in the city and make all necessary examinations to determine the sanitary conditions thereof, and to cause any and all nuisances existing there to be forthwith removed and abated, after giving notice to the owner, agent, or occupant of such premises, house, or other building or structure as herein provided. The notice to abate any such nuisance shall be served personally upon the owner, agent, or occupant of the premises, house, or other building or structure in or upon which such nuisance exists in all cases where such owner, agent, or occupant can be readily ascertained and found in the city. Such notice may be served by mail in all cases where such owner, agent, or occupant is not in the city or can not be found therein and his post-office address is known. It may likewise be served by posting and keeping posted for 24 hours a copy of such notice upon the premises, house, building, or other structure in or upon which any such nuisance exists, whenever the owner or agent thereof is not known or can not be found and his post-office address is unknown. If such nuisance is not abated within a reasonable time after the service or posting of said notice, such reasonable time to be stated in such notice, such nuisance may be abated by or under the direction of said board and the cost of such abatement may in the first instance be paid from any funds under the control of the board. The cost of the abatement of any such nuisance paid by the board and not reimbursed by the owner, occupant, or agent shall be reported by the board to the city council, and the city council shall assess and levy, and cause to be collected, the amount of such cost as a special assessment upon and against the premises and property upon which such nuisance existed, in like manner as other special assessments, payable in one sum, are assessed, levied, and collected in the city. Such assessments, when collected, shall be paid over by the county treasurer to the city treasurer of such city and placed to the credit of the board.

SEC. 11. All goods, wares, merchandise, supplies, and materials of every kind required by the board of public welfare for the support, care, maintenance, and administration of the several divisions of the public service under its control shall be obtained, purchased, and furnished by and through the purchasing department of the city in like manner as supplies and materials are supplied, furnished, and obtained for other departments of the city, and the board shall appropriate and pay into the city treasury its proportionate share of the expense of the maintenance of such purchasing department. The officers and employees of said board shall be paid their salaries and compensation upon pay rolls in like manner as other city employees are paid their salaries and compensation. All bills and claims of every kind against the department of public welfare shall be audited by the city comptroller, and no moneys shall be paid out of the city treasury for the uses or purposes of said department except upon orders signed by the president and secretary of the board and countersigned by the city comptroller.

SEC. 12. This act shall take effect and be in force from and after the 1st day of July, 1919.

Departments or Bureaus of Health in Certain Cities—Pensions for Employees. (Ch. 430, Act Apr. 24, 1919.)

SECTION 1. In ever city in this State now or hereafter having a population of 50,000 or more there may be created a department or bureau of health pension fund, which shall be governed and managed by a department or bureau of health pension board in accordance with the provisions of this act.

SEC. 2. That every such municipal department or bureau of health now existing, or which may hereafter be organized, may and hereby is authorized to become incorporated pursuant to the provisions of the General Statutes of Minnesota, and to adopt articles of incorporation and by-laws as a relief association to provide and permit said department or bureau of health relief association so incorporated or so organized to pay out of and from any funds that it may have received from the State of Minnesota or from any other source a service pension in such amount and in such manner as its articles of incorporation and by-laws shall designate, not exceeding, however, the sum of \$50 per month to each of its pensioned members, who have arrived at the age of 50 years, and who shall have done active duty as a member of such health department or bureau for a period of 20 years or more in the city in which such relief association shall be so organized, or who having been disabled physically or mentally because of any injury or disability received or suffered while in the performance of his duties as such member of the department or bureau of health, so as to render necessary his retirement from active service, may be placed upon the pension list, and shall receive such pension as provided for in said articles of incorporation or constitution and by-laws: *Provided, however,* That said fund shall not be used for any other purpose than for the payment of service and disability pensions as herein provided.

SEC. 3. Every such association shall at all times have and retain the right to increase or reduce the amount of such pension whenever because of the amount of funds on hand, or for other good reasons, such increase or reduction may seem advisable or proper to the board of management of said relief association: *Provided,* The pension herein authorized shall never exceed \$50 per month for each person pensioned.

SEC. 4. The pension authorized by this act shall not be paid to any person while drawing salary in any amount from said municipality, and no member shall be entitled to said pension after he removes from the State of Minnesota

or who shall have been convicted of a felony for which he shall be adjudged to be imprisoned or who is an habitual drunkard; and any person receiving the pension herein mentioned shall not receive or be entitled to receive any other or further pension or relief from said association.

SEC. 5. No payments made or to be made by said board to said member of said department or bureau of health shall be subject to judgment, garnishment, or execution or other legal processes, and no person entitled to such payment shall have the right to assign the same, nor shall said association have the authority to recognize or pay over any sum whatever which has been assigned, except that nothing herein contained shall be construed as prohibiting payment of such pension to the duly appointed guardian of the person to whom it has been awarded.

SEC. 6. Said association, through its officers, shall have full charge, management, and control of the health department or bureau pension fund herein provided for, which said fund shall be derived from the following sources: First, dues of its members and from the gifts of real estate or personal property, rents, or money or other sources; second, an amount or sum equal to one-twentieth of 1 mill shall be annually assessed, levied, and collected by the proper officers of such city where a health relief association exists upon each dollar of taxable property in such city as the same appears on the tax records of such city, which said sum shall by the proper officers of said city be placed to the credit of the health department or bureau pension funds and shall not be used or devoted to any other purpose than for the purpose of the health department or bureau pension fund: *Provided, however,* That if at any time the fund so raised by taxation as in this section provided, together with other resources, exceeds the needs of said health department or bureau of [health] pension fund in properly carrying out the provisions of this act, then, as often as this shall occur, said sum so to be raised by taxation shall be proportionately reduced to such amount as will sufficiently carry out the provisions of this act, and there shall only be raised by taxation such part of said one-twentieth of 1 mill upon each dollar of all the taxable property in such city as shall be necessary for the proper maintenance of said fund as in this act provided.

SEC. 7. The said governing board shall have full power to hold, transfer, and sell real estate and personal property and invest said funds for the betterment of said association.

SEC. 8. The governing board of said association shall consist of five members, to be elected annually. The members of the first board shall hold their offices for one, two, three, four, and five years, respectively, and until their successors are duly elected and qualified, and the commissioner of public safety or other department head and chief health officer and city treasurer or commissioner of finance or other similar officer shall be ex officio members of said board, and the said commissioner of finance or city treasurer or other like officer shall be ex officio treasurer of said board and organization. All vacancies occurring in the elective membership of said board shall be filled by a special election called for said purpose.

SEC. 9. The said governing boards of said associations shall file annually on or before the 10th day of September of each year with the comptroller of said municipality a detailed report of the amount of money so received, expended, and still remaining on hand to the credit of said association.

SEC. 10. This act shall apply only to cities of the first class operating under a charter framed pursuant to section 36 of article 4 of the constitution of the State of Minnesota.

**Public Health Nurses—Employment by Counties, Cities, Towns, and Villages
—Authorized—Duties. (Ch. 38, Act Feb. 27, 1919.)**

SECTION 1. *Village councils, county boards, and town boards authorized to employ public health nurses.*—Every city council, village council, board of county commissioners, and town board is hereby authorized and empowered to make appropriations for the employment of public health nurses. Such nurses are to be employed only from the list of nurses registered in Minnesota. It shall be the duty of such nurses to act in any one or more of the following capacities, as may be designated by the board employing them: As hygiene experts for schools or school districts within the county not already provided with regular medical inspection; to assist authorities charged with the care of the poor in safeguarding the health of such persons; to assist in discovering and reporting cases of tuberculosis and other communicable diseases; to act as visiting nurses; to perform such similar duties as shall be designated by the board employing such nurses; and to make written reports, through the board employing them, to the State and local boards of health in such form and at such times as shall be prescribed by the State board of health. The board of county commissioners may detail any such public health nurse to act under the direction of the county superintendent of schools, the county child-welfare board, or the county health officer.

**Laws Relating to Dairy and Food Products—Codification, Revision, and
Annotation. (Ch. 406, Act Apr. 23, 1919.)**

SECTION 1. That a commission of seven members is hereby created to consist of two members of the senate to be appointed by the lieutenant governor, two members of the house to be appointed by the speaker, the dairy and food commissioner, a member of the attorney general's force to be designated by the attorney general, and one other member to be appointed by the governor, whose duty it shall be to revise, codify, and annotate the laws of the State relating to dairy and food products. Such appointments shall be made within 10 days after the passage of this act and before the adjournment of the legislative session. The committee shall designate one of its number as chairman and one to act as secretary.

SEC. 2. The commission hereby provided for shall examine and compare the existing laws relating to dairy and food products in force in this State, together with the judicial interpretation and construction thereof, and shall propose and recommend such revision and codification thereof as in the opinion of the commission will simplify, harmonize, and complete the same, and so far as this may be done bring such legislation into closer harmony with the Federal food laws. The commission shall prepare and file with the dairy and food commissioner a report of its proposed codification and revision, including the full text of the laws recommended for adoption, including annotations, a list of laws thereby repealed, and a complete index, and the commissioner, in accordance with existing State printing regulations, shall cause this report to be printed and bound in pamphlet form, not more than 500 copies, on or before December 1, 1920, and immediately deliver a copy thereof to the governor, the attorney general, each justice of the supreme court, each district judge, each clerk of the district court, and each member elect of the legislature, the remaining copies to be distributed by the commission to dealers in dairy and food products and other persons making requests therefor.

SEC. 3. The members of the commission shall serve without compensation, but shall be allowed and paid their actual traveling and other expenses neces-

sarily incurred in the performance of their duties. The dairy and food commissioner, through his office without additional expense to the State, shall pay such actual expenses and for all needed clerical work in the discharge of the duties imposed upon the commission.

Foodstuffs—Unwholesome—Sale Prohibited—Destruction. (Ch. 352, Act Apr. 22, 1919.)

SECTION 1. That section 3712, General Statutes of Minnesota, 1913, be, and the same is hereby, amended so as to read as follows:

3712. No person shall deal in or sell for use as food any filthy, decomposed, diseased, or otherwise unwholesome food or dairy products, either in a natural state or in any manufactured, mixed, or prepared condition; and if any of the aforesaid unwholesome articles or substances be found, offered, or exposed for sale, or had in possession with intent to sell, for use as food, the dairy and food commissioner, his assistant and employees shall have power and authority to seize the same, or in his or their discretion to render the same unsalable for use as food; and the said commissioner and his several employees shall be exempt from liability for any such action; and the test as to the unwholesomeness for use as food of any of the aforesaid articles or substances shall be the condition at the time of such discovery. Every violation of the provisions of this act shall be deemed a misdemeanor, the punishment whereof shall be a fine of not less than \$15 nor more than \$100, or by imprisonment in the county jail for not more than 90 days.

Hotels, Restaurants, Lodging Houses, Boarding Houses, and Places of Refreshment—Sanitary Regulation. (Ch. 499, Act Apr. 25, 1919.)

SECTION 1. *Defining hotels, restaurants, lodging houses, boarding houses, and places of refreshment.*—Every building or structure, or any part thereof, kept, used as, maintained as, or advertised as, or held out to the public to be a place where sleeping accommodations are furnished to the public, whether with or without meals, and furnishing accommodations for periods of less than one week shall for the purpose of this act be deemed a hotel.

Every building or other structure, or any part thereof and all buildings in connection, kept, used, or maintained as, or advertised as, or held out to the public to be a place where meals or lunches are served without sleeping accommodations, and furnishing accommodations for periods of less than one week, shall for the purpose of this act be deemed to be a restaurant, and the person or persons in charge thereof, whether as owner, lessee, manager, or agent, for the purpose of this act, shall be deemed the proprietor of such restaurant, and whenever the word "restaurant" shall occur in this act, it shall be construed to mean such structure as described in this section.

Every building or structure, or any part thereof, kept, used as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished for regular roomers, for periods of one week or more, and having accommodations for 10 or more persons, shall for the purpose of this act, be deemed a lodging house.

Every building or structure, or any part thereof, used as, maintained as, or advertised as, or held out to be a place where food is furnished to regular boarders for periods of one week or more, and having accommodations for 10 or more boarders, shall, for the purpose of this act, be deemed a boarding house.

Every building or other structure or any part thereof, kept, used as, maintained as, or advertised as, or held out to be a place where confectionery, ice cream, sandwiches, or drinks of various kinds are made, sold, or served at retail, shall for the purpose of this act be deemed to be a place of refreshment.

This act shall not be construed to apply to any building or premises operated or controlled by any sectarian corporation, society, or organization.

* * * * *

SEC. 5. *Plumbing, lighting, heating, etc.*—Every hotel, restaurant, lodging house, boarding house, or place of refreshment shall be properly plumbed, lighted, and ventilated, and shall be conducted in every department with strict regard to health, comfort, and safety of the guest: *Provided*, That such proper lighting shall be construed to apply to both daylight and illumination, and that such proper plumbing shall be construed to mean that all plumbing and drainage shall be constructed and plumbed according to the local approved sanitary principles, and that such proper ventilation shall be construed to mean at least one door and one window in each sleeping room.

No room shall be used for a sleeping room which does not open to the outside of the building or light wells, air shafts, or courts, and all sleeping rooms shall have at least one window to the outside of the building or light wells, air shafts, or courts, and shall have one door opening on a hallway, and unless adequate provision is made for unobstructed egress to the outside of building at bottom of the aforesaid light wells, air shafts, or courts, then the hallway upon which such door or doors open shall run through to an outside wall and there be provided with proper, safe, and unobstructed egress from the building. Storm windows on all sleeping rooms must be so arranged that rooms can be thoroughly ventilated. All light wells, air shafts, or courts shall be open at the top or properly ventilated.

Outside windows of and used entrances of all hotels, restaurants, lodging houses, boarding houses, or places of refreshment shall be properly screened or approved ventilators installed to keep out flies and other insects, except in cases where swinging doors, vestibules, or revolving doors are installed.

Provided, That the provisions of paragraphs 1 and 2 of this section shall not apply to any hotel in which the compartments are arranged on the cubical plan, or the dormitory plan, in conformity with the provisions of local ordinances and regulations.

In all cities, towns, and villages where a system of waterworks and sewerage is maintained for public use, every hotel and lodging house, shall, within six months after the passage of this act, be equipped with suitable water-closets for the accommodation of its guests, which water closet or closets shall be connected by proper plumbing with such sewerage system, and the means of flushing such water-closets with the water of said system or their own sufficient water system or tanks, in such manner as to prevent sewer gas or effluvia from arising therefrom.

All lavatories, bathtubs, sinks, drains, closets, and urinals in such hotels and lodging houses must be connected and equipped in a similar manner both as to methods and time. Public toilets in hotels, restaurants, or lodging houses shall be properly ventilated in order to prevent any odor from permeating the premises.

In all cities, towns, and villages not having a system of waterworks, every hotel and lodging house shall have properly constructed privies or overvaults, which shall be heated during the days of the winter months between the hours of 6 a. m. to 10 p. m., to receive the night soil, the same to be kept clean and

well screened at all times and free from all filth of every kind, furnishing separate apartments for sexes, each being properly designated.

Each hotel in this State shall be provided with a main public wash room convenient and of easy access to guests in lieu of having such accommodations in the guest rooms.

SEC. 8. * * *

All hotels in this State shall hereafter provide each bedroom with at least two clean towels daily for each guest, and shall also provide the main public wash room with clean, individual towels, maintaining same in view and reach, and for the use of guests during the regular meal hours, and where no regular meal hours are maintained, then between the hours of 6.30 a. m. and 9 a. m. and 11.30 a. m. and 2 p. m. and 6 p. m. and 8 p. m., so that no two or more guests will be required to use the same towel unless it has first been washed. Such individual towels shall not be less than 9 inches wide and 13 inches long after being washed: *Provided*, That this shall not prohibit the use of individual paper towels or mechanically operated driers in such wash rooms.

All hotels and lodging houses hereafter shall provide each bed, bunk, cot, or sleeping place for the use of guests with pillow slips and under and top sheets; each sheet shall not be less than 99 inches long nor less than 24 inches wider than the mattress: *Provided*, That a sheet shall not be used which measures less than 90 inches in length after being laundered. Said sheets and pillow slips to be made of white cotton or linen, and all such sheets and pillow slips, after being used by one guest, must be washed and ironed before they are used by another guest, a clean set being furnished each succeeding guest.

All bedding, including mattresses, quilts, blankets, pillows, sheets, and comforts used in any hotel or lodging house in this State must be thoroughly aired and kept clean: *Provided*, That no bedding, including mattresses, quilts, blankets, pillows, sheets, or comforts, shall be used which are worn out or unfit for further use.

Any room in any hotel, restaurant, or lodging house infested with vermin or bedbugs, shall be fumigated, disinfected, and renovated at the expense of the proprietor of the said hotel or lodging house until said vermin or bedbugs are exterminated, and said room shall not be used as a sleeping room until all vermin or bedbugs have been exterminated. All rugs and carpets in all sleeping rooms shall be taken up and thoroughly cleaned at least once a year and oftener if deemed necessary by the hotel inspector, except where steam or electrically operated vacuum cleaners are used.

All tables, table linens, chairs and other furniture, all hangings, draperies, curtains, carpets, and floors in all dining rooms of hotels, restaurants, boarding houses, or places of refreshment shall be kept in a clean and sanitary condition. All dishes and table cutlery used in serving food and all drinking glasses shall be thoroughly washed in hot water and soap, or other cleansing material of like efficiency.

No dishes that are badly cracked or chipped on the top side or chipped glasses shall be used.

It shall be unlawful to sweep or dust in any dining room in any hotel, restaurant, boarding house, or place of refreshment while guests are eating, except in the case of restaurants where a continuous service is maintained, and then only at such times when the smallest number of guests is likely to be present. Sweeping compound, moist sawdust, or other substances to prevent the raising of dust must be used.

Every kitchen in all hotels, restaurants, boarding houses, or places of refreshment shall be provided with soap, clean water, and towels, and all employees

who in any manner come in contact with or handle foods to be prepared or served shall before beginning work or after using toilets thoroughly wash their hands in clean water.

No person known to be suffering from any contagious disease shall be employed in any capacity in any hotel, restaurant, lodging house, boarding house, or place of refreshment.

No hotel, restaurant, boarding house, or place of refreshment, kitchen or dining room used as such shall be used as a sleeping or dressing room by any employee or other person.

All garbage and kitchen refuse must be kept in water-tight metal containers with tight-fitting metal covers, and must be removed as often as necessary to prevent decomposition.

No dishwasher, wash water, or other substance which is or may become foul or offensive shall be thrown out in the ground near any hotel, restaurant, lodging house, boarding house, or place of refreshment.

No water-closet shall be maintained in any kitchen or dining room of any hotel, restaurant, boarding house, or place of refreshment.

All sample rooms shall be kept clean and properly ventilated, heated, and lighted. * * *

Canneries—Inspection. (Ch. 495, Act Apr. 25, 1919.)

SECTION 1. Section 10 of chapter 97 of the general laws of the year 1913 is hereby amended so as to read as follows:

SEC. 10. The dairy and food commissioner is hereby authorized to use funds available from the appropriation made for the general use of his department to enable him to carry this act into effect.

The commissioner is hereby authorized to expend such sum or sums, not exceeding \$15,000 annually, for the purpose of establishing, equipping, and maintaining a bacteriological laboratory and employing a bacteriologist, and one assistant bacteriologist, and a sufficient number of special inspectors to be stationed at canneries while operating for the purposes of inspecting and grading canned products packed, to see that proper raw materials are used, and to enforce sanitary regulations. The dairy and food commissioner is hereby further authorized and directed to collect from the various canneries in operation in this State an assessment for inspection to be provided for by the dairy and food department, the sum of 1 per cent for each and every case of hermetically sealed and sterilized canned foods manufactured by such canneries, each year hereafter, including the year 1919, and the sum so collected shall be paid into the State treasury and credited to the commercial canneries inspection fund, to compensate for and meet the expense of special inspection as provided for in this section.

Drinking Water and Drinking Cups—Required on Railroad Passenger Cars. (Ch. 335, Act Apr. 21, 1919.)

SECTION 1. Every person, company, corporation, or receiver thereof, operating any railroad in the State of Minnesota is hereby required to provide and furnish upon every car used for the transportation of passengers within the State of Minnesota, without charge to the passengers, a suitable quantity of pure drinking water and a sufficient number of individual sanitary drinking cups or fountain and to provide one cup for each passenger so carried: *Provided*. That this act shall not apply to electric suburban cars running on city

streets: *Provided*, This act shall not apply to suburban electric cars running in part on city streets.

SEC. 2. Such cups shall be contained in a suitable holder or receptacle, which shall be placed in a convenient location in each car, and shall be kept in a sanitary condition.

SEC. 3. Any person, company, corporation, or receiver thereof, operating any railroad in the State of Minnesota violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$25 nor more than \$100 for each offense, and the use of any one car for the transportation of passengers within this State without being so equipped shall constitute a separate offense for every day or part of a day so used.

SEC. 4. This act shall take effect and be in force from and after June 1, 1919.

City Water Filtration Plant—Construction and Installation—Issuance and Sale of Bonds. (Ch. 276, Act Apr. 17, 1919.)

SECTION 1. *\$100,000 water filtration plant bonds authorized for St. Cloud.*—Any city in the State of Minnesota which, according to the last Federal census, had a population of not less than 10,000 people nor more than 20,000 people, is hereby authorized to issue the bonds of such city for the construction and installation of a water filtration plant and system to be operated in connection with any public waterworks system owned and operated by any such city, said bonds to be in such amounts, payable at such times and at such rate of interest, and to be sold upon such terms as provided by law and by a majority vote of the city council, city commission, or other governing body of such city: *Provided, however*, That the aggregate of the face value of the bonds which shall be issued by virtue of the provisions of this act shall not exceed the sum of \$100,000.

SEC. 2. *Issuance to be submitted to vote of people.*—Before any bonds are issued under the provisions of this act by any such city there shall be adopted by the city council, city commission, or other governing body of such city a resolution certifying the purpose for which such bonds are required, the amount thereof necessary to be issued, the rate of interest the same shall bear, and the terms upon which said bonds shall be sold, and thereafter said city council, city commission, or other governing body shall submit the question of the issue of said bonds and the sale thereof, pursuant to said resolution, to the legal voters of said city, either at a special election called for that purpose pursuant to the charter of said city, or at any general election held in said city, and if a majority of the legal voters of said city voting on said proposition vote in favor of the issuance of said bonds, then the council, city commission, or other governing body of said city shall have full power and authority to issue and sell the same for the purpose specified in said resolution, and not otherwise. But if a majority of the legal voters of said city voting on said question should vote not to issue and sell said bonds, then the proposition shall be deemed rejected.

SEC. 3. *Conduct of election.*—Said election shall be conducted as are other special elections in said city, unless the proposition shall be submitted at a general city election, but in either case the proposition shall be plainly submitted upon the city election ballot by the use of appropriate language, in conformity with the so-called Australian election ballot law of this State. Said vote shall be returned and canvassed as at other elections in said city.

Habit-Forming Drugs—Furnishing to or Prescribing for Habitual Users.
(Ch. 208, Act Apr. 10, 1919.)

SECTION 1. *Certain narcotics prohibited.*—That section 2, chapter 260³ of laws 1915, be amended so as to read as follows:

SEC. 2. It shall be unlawful for any physician, surgeon, or dentist to furnish to or prescribe for the use of any habitual user of the same any of the substances enumerated in section 1, chapter 260, laws 1915, unless such physician, surgeon, or dentist can show that it is necessary to furnish or prescribe the same to such user in order to save his life.

Human Excreta—Disposal. (Reg. Bd. of H., Oct. 14, 1919.)

64. All human excreta in cities and villages shall be deposited in sewers, cesspools, and vaults. The cesspools and vaults must be made flyproof.

Water-Closets—Installation in Dwellings. (Ch. 517, Act Apr. 25, 1919.)

SEC. 12a. *Water-closet accommodations.*—Section 83 of said chapter 137⁴ [laws 1917] is hereby amended to read as follows:

SEC. 83. Every water-closet hereafter placed in a dwelling, except one provided to replace a defective one [sic] antiquated fixture in the same location, shall comply with the provisions of sections 35, 50, 51, and 53 of this act relative to water-closets in dwellings hereafter erected subject to the following exceptions:

(a) In the case of a new water-closet installed on the top floor of an existing dwelling a ventilating skylight open to the sky may be used in lieu of the windows required by section 35 of this act.

(b) In the case of existing private dwellings, two-family dwellings, or multiple dwellings of class A, where such water-closet is located within or is a part of an apartment, the floor may be of birch or maple.

(c) In the case of existing dwellings where in the opinion of the inspector of buildings it is impracticable to locate a water-closet compartment where light and ventilation are possible [as] provided in section 35 of this act, such water-closet compartment shall be provided with local ventilation as required by the inspector of buildings.

(d) In an existing private dwelling, two-family dwelling, or multiple dwelling where such water-closet is located within or is a part of an apartment, one way of access from any bathroom or water-closet compartment shall be sufficient.

Overflow from Sewage Treatment Plants—Discharge Into Drainage Ditches.
(Ch. 471, Act Apr. 25, 1919.)

SEC. 13. *Sewerage system to connect with ditches.*—That there be added to chapter 44 of the General Statutes of Minnesota for 1913 six new sections, to be known as sections 5597a, 5597b, 5597c, 5597d, and 5597e, and 5597f, as follows:

5597a. The appropriate county board in the case of a county ditch and the appropriate district court in the case of a judicial ditch, upon such terms as such board or court may deem proper, may permit any municipality having a population of 2,500 or less to drain into any drainage ditch now or here-

³ Pub. Health Repts. Reprint 338, p. 308.

⁴ Supplement No. 37 to the Pub. Health Repts., p. 241.

after to be constructed the overflow from any properly constructed and operated sewage treatment plant subject to the following conditions:

(1) Such overflow shall empty into the drainage ditch at a point below the limits of the municipality or below the settled portion thereof and where the waters from the ditch may not flow back and flood the sewage plant.

(2) Storm waters from the municipality shall not be permitted to enter or run through the sewage plant: *Provided, however,* That in all cases where sewerage systems now exist or are in process of construction in which the storm waters have access to the sewage plant such systems may nevertheless continue in operation where they have been approved by the State board of health, and where they shall from time to time be modified and corrected in such manner as may be specified by the State board of health.

(3) No such overflow into any drainage ditch shall be permitted unless the same has first been rendered sanitary and inoffensive.

(4) The municipality shall pay for such outlet to the appropriate district such amount as the board or court shall direct.

5597b. In case the drainage ditch has been petitioned for but not yet established any municipality desiring to take advantage of the provisions of this act shall present to the county board or district court, as the case may be, a petition signed by the governing body of the municipality, asking that such municipality be made a party to such drainage proceedings, and that the municipal sewer system then in operation or thereafter to be constructed may be connected with such drainage ditch, and that sewage therefrom being first passed through a proper treatment plant and rendered sanitary and inoffensive may be discharged into such drainage ditch.

5597c. The petition provided for in the preceding section shall be accompanied by plans and specifications which shall show in detail the existing or proposed sewer systems so to be connected, the method of treatment of the sewage to be discharged into such drainage ditch and such plans and specifications which shall contain the indorsement of the State board of health to the effect that the method of reduction and treatment of such sewage and the plans which connect such sewer system with such drainage ditch have been examined and found to be practicable and sanitary. The county board or court, as the case may be, shall thereupon appoint a time and place for the hearing of said petition and shall give such notice thereof to the appropriate clerk of court or county auditor, as the case may be, and to all persons whose lands are assessed for the construction of said ditch, as the board or court may prescribe. At the time and place so appointed the board or court shall proceed to hear and determine said petition, and may take such evidence as it deems proper, and if it is satisfied that such connection can be made advantageously and without endangering the public health, an order shall be made making such municipality a party to said drainage proceedings, determining the amount which such municipality shall pay to such drainage district for the privilege of casting the overflow from its sewage system into said drainage ditch and determining the time when such payment shall be made and directing further that when such conditions are complied with that connection with such drainage district may be made and provide such further conditions as it may deem proper to protect the rights of the parties in interest and the general public.

5597d. In case said drainage ditch has already been established, a like petition shall be made to the county board or court, as the case may be, by the governing body of such municipality, whereupon said board or court shall fix a time and place for hearing the same and cause such notice thereof to be given as the court or board may prescribe to the county [auditor?] or clerk of court, as the case may be, and to all parties whose lands are assessed

for the construction of said drainage ditch. At the time and place of hearing so fixed the court or board shall proceed to hear and determine said petition in the same manner provided for in the preceding section, and after said hearing the court or board, as the case may be, may, if it deems proper, order that said connection be made and fix the amount which said municipality shall pay and the time within which it shall pay the same to the drainage district affected, and provide such further conditions as it may deem proper to protect the rights and interests of the public and all the parties whose land[s] have been assessed for the construction of said ditch.

5597e. Any municipality interested in any project hereinbefore specified may acquire by purchase or condemnation the necessary right of way over any lands within or without such municipality for the construction of such sewage plant and overflow drain, and proceedings to condemn such land may be made and instituted by such municipality and prosecuted to final judgment under the statutes of this State in respect to the taking of property by right of eminent domain, and all of the general laws of this State in respect to the condemnation of property shall apply thereto and govern and control such proceedings. The cost of the condemnation and acquisition of such right of way, as well as the amount required to be paid for the right to make such connection, and all other expenses incurred by such municipality in the establishment and construction of such overflow drain shall be paid from the general fund of such municipality. In case of the denial by the court or board, as the case may be, of any petition in this act provided for, the municipality in whose behalf the same was made shall pay the costs of the proceedings, to be taxed in the usual way.

5597f. In all cases pending before the county board any interested party feeling aggrieved by any order made by such board either granting or denying any such petition may appeal from any such order to the district court of the county in which said proceedings are pending. The proceedings on such appeal shall be the same as those provided in section 5534, as amended, of the Revised Statutes of Minnesota for the year 1913.

Public Comfort and Toilet Stations in Certain Cities—Establishment and Maintenance—Issuance and Sale of Bonds. (Ch. 524, Act Apr. 25, 1919.)

SECTION 1. Each city of this State now or hereafter having a population of over 50,000 inhabitants and not governed under a charter adopted pursuant to section 36, article 4, of the State constitution, in addition to all other powers now possessed by the city, is hereby authorized and empowered to establish, construct, equip, maintain, and operate public comfort and toilet stations in the city and acquire land, sites, and buildings therefor, by purchase, lease, or condemnation, as it may deem best in each particular case; and each such city is hereby further authorized and empowered, acting by and through its city council or other chief governing body of the city, by ordinance or resolution duly passed by a majority vote of the members elect of the city council or other chief governing body of the city, to issue and sell bonds of the city to an amount not exceeding \$50,000 in par value and to use the proceeds thereof for the purpose of defraying the cost and expense of establishing, constructing, equipping, maintaining, and operating public comfort and toilet stations in such city, and for acquiring lands, sites, and buildings for such stations.

SEC. 2. The bonds authorized by section 1 of this act or any portion thereof may be issued and sold by any such city notwithstanding any limitation contained in the charter of such city or in any law of this State prescribing or fixing any limit upon the bonded indebtedness of such city, and the full faith and

credit of any such city shall at all times be pledged for the payment of any bonds issued by it under this act and for the payment of the accruing interest thereon, and the city council or other governing body of the city shall each year include in the tax levy a sufficient amount for the payment of such interest as it accrues and for the accumulation of a sinking fund for the redemption of such bonds at their maturity.

SEC. 3. No bonds shall be issued by any such city for the purposes hereinbefore mentioned to run for a longer term than 30 years from the date thereof or bearing a higher rate of interest than 5 per cent per annum. The place of payment of the principal and interest of such bonds and the denominations in which the same shall be issued shall be such as may be determined by the city council or other chief governing body of the city. All said bonds shall be signed by the mayor, attested by the city clerk, and countersigned by the city comptroller of the city issuing the same, and shall be sealed with the seal of such city, except that the signatures of such officers to the coupons attached to such bonds, if any, may be lithographed thereon. None of said bonds shall be sold for less than 95 per cent of their par value and accrued interest, and then only to the highest responsible bidders therefor.

Roller Towels—Prohibited in Public Places. (Reg. Bd. of H., Oct. 14, 1919.)

70. In order to prevent the spread of communicable diseases the use of the roller towels in public places, public conveyances, and public buildings is hereby prohibited.

Lodging Houses—Sanitary Regulation. (Reg. Bd. of H., Oct. 14, 1919.)

79. A "lodging house" shall be taken to mean and include any house or building or portion thereof provided with sleeping quarters arranged on the "cubicle" plan—i. e., with dividing partition walls which do not extend to the ceiling, or with sleeping quarters arranged on the dormitory plan, and in which persons are harbored or received or lodged for hire.

80. In every lodging house each general sleeping room shall always be adequately ventilated and in such manner as to be beyond the control of lodgers.

In every sleeping room the minimum floor area shall be 60 square feet per bed, and under no circumstances shall there be provided less than 400 cubic feet of air space per bed.

Neither side of any bed shall be at any time nearer than 2 feet to the side of any other bed.

All beds shall be so arranged that the air shall circulate freely under each of them.

In the case of all lodging houses no beds or bunks shall be placed one above another.

81. Except when extreme severity of the weather prevents, all windows of sleeping rooms, water-closets, wash rooms, and bathrooms shall be kept open at least 1 foot at the bottom and 1 foot at the top from 10 a. m. to 2 p. m. daily.

Beds occupied at night shall be turned over and exposed to the air daily for four consecutive hours.

For the accommodation of lodgers working at night, special beds or rooms shall be set apart for their use during the day; but the bedding of such beds must be turned over and exposed to the air in the room with outside windows opened, as above described, for at least four consecutive hours daily.

82. In every lodging house there shall be provided for each lodger a separate bed with bedstead, bedding, and bedclothes, and no such lodger shall be allowed to sleep elsewhere than in such bed.

All beds, bedclothing, mattresses, and pillows shall always be kept clean and free from vermin.

Clean sheets and clean pillow cases shall be furnished for each bed at least once a week: *Provided, however,* That they shall be furnished as often as a new lodger occupies the bed.

In the case of all lodging houses the frames of all beds shall be of metal.

83. All cubicles shall be so constructed that the partitions thereof shall not extend higher than 7 feet above the floor and 1 foot from the ceiling, and there shall be a space of at least 6 inches between the lowest part of said partitions and the floor.

In every sleeping room all windows opening to the outer air shall be separated from any cubicle in such room by an unobstructed corridor at least 3 feet wide.

84. In every lodging house there shall be provided at least one water-closet on each floor, and water-closets shall be provided on every such floor in the ratio of at least one to every 15 beds or fraction thereof.

Every water-closet shall be adequately ventilated by an unobstructed opening to the outer air.

No gas or offensive smell shall be allowed to escape from any water-closet, sewer, or outlet into any sleeping room or part thereof. Each water-closet shall be provided with a self-closing door.

In no lodging house shall any person be allowed to sleep in a room in which there is a water-closet.

85. In every lodging house there shall be at least one wash room on each floor.

In every such wash room there shall be provided with running water set wash basins or individual washing appliances. Such individual appliances shall be provided in proportion to the number of beds on the same floor, as follows: One such appliance for every 10 beds or fraction thereof.

86. In every lodging house shower baths shall be provided in the ratio of at least 1 to every 50 beds or fraction thereof; or tub baths shall be provided in the ratio of at least 1 to every 25 beds or fraction thereof.

All such baths shall be provided with hot and cold running water and shall at all times be accessible for the use of lodgers free of charge.

87. In every lodging house there shall at all times be provided for the use of lodgers, free of charge, an adequate supply of water and clean towels.

88. In every lodging house the floors of all water-closets, wash rooms and bathrooms, and the walls thereof to a height of at least 4 feet above the floor shall be constructed of durable waterproof material (not wood or metal).

89. Every lodging house and every part thereof shall at all times be kept clean and free from dirt, vermin, filth, garbage, and rubbish in or on the premises belonging or connected with the same.

All water-closets, wash basins, baths, windows, fixtures, fittings, and painted surfaces shall at all times be kept thoroughly clean and in good repair.

The floors, walls, and ceilings of all rooms, passages, and stairways must at all times be in good repair; and the floors of all rooms, passages, and stairways must be scrubbed or wet-swept at least once daily before 6 p. m.

If painted with oil, all walls and ceilings shall be thoroughly washed with soap and water twice yearly and at such other times as the local health authorities may direct.

90. In every such room, hall, cubicle, water-closet, wash room and bathroom of very lodging house there shall be provided a sufficient number of cuspidors or spittoons.

91. In every lodging house all sleeping rooms shall be fumigated at least once every two weeks in such manner as the local health authorities may direct. Disinfection of premises, furniture, and belongings shall immediately follow the death or removal of any person suffering from an infectious disease in any lodging house, and shall be performed under the direction of the local health authorities.

92. It shall be the duty of the keeper, agent, or owner of every lodging house to report forthwith to the local health authorities the occurrence of any illness in said house.

93. In no lodging house in which men are lodged (except in a municipal lodging house in which there is a separation of sexes in distinct departments) shall any woman or girl be lodged, or any boy under the age of 16 years unless accompanied by his father or legal male guardian.

94. In every lodging house there shall be set apart at least one room, satisfactory to the local health authorities, which shall be preserved at all times as a place in which any lodger falling ill at said house shall be isolated.

95. In case any lodging house for which a license is in force is not or shall not be conducted in strict compliance with the laws of the State of Minnesota and the regulations of the State board of health, it shall be the duty of any person having knowledge of such noncompliance forthwith to report the particulars to the State hotel inspector.

On being satisfied that any lodging house for which a license is in force fails to comply strictly with the laws of Minnesota and the regulations of the State board of health, the State hotel inspector shall promptly notify the keeper, agent, or owner of such noncompliance and direct that the defects set forth in said notice be remedied within a period of time to be not more than 30 days.

Places of Employment—Sanitary Regulation. (Ch. 491, Act Apr. 25, 1919.)

SECTION 1. The term "all places of employment" as used in this act shall mean any place, either inside or outside, where any business or industry is carried on and in which persons are employed, and shall include factories, mills, workshops, laundries, dyeing and cleaning establishments, mercantile establishments, offices and office buildings, hotels, restaurants, theaters and other places of amusement, transportation systems, public utilities, engineering works, the erection of buildings, and yards; but shall not be construed to apply to domestic service or agricultural labor.

SEC. 2. In all places of employment it shall be the duty of the employer to keep the floors and walls of buildings or parts of buildings, the grounds surrounding such buildings, and the machinery, fixtures, and utensils in such buildings over which he may have control in as clean and sanitary a condition as the nature of the industry will permit. Where wet processes are used, the floors must be so drained that there is no measurable depth of water in which employees must stand while working. Where practicable, dry standing room must be provided for all employees. Suitable receptacles shall be provided and used for the storage of waste and refuse; such receptacles shall be maintained in a sanitary condition. All waste, refuse, sweepings, and decomposed matter shall be removed from such buildings daily and in such manner as not to cause a nuisance. All cleaning shall be done, as far as possible, out of working hours; but if done during working hours, shall be done in such a manner as to avoid unnecessary raising of dust or noxious odors. All such places of employment

shall be well drained and the plumbing thereof at all times kept in proper repair and in a clean and sanitary condition. In all such places of employment the floors shall be scrubbed and the walls cleaned whenever and so often as the commissioner of labor deems it necessary.

SEC. 3. Every place of employment used for the preparation, manufacture, sale, or storage of food products shall be properly lighted, drained, plumbed, and ventilated, and conducted with strict regard to the influence of such conditions upon the health of persons therein employed, and the purity and wholesomeness of the food products therein prepared, manufactured, sold, or stored. The side walls and ceilings of all rooms used for the purposes named in this section shall be of a material that can easily be cleaned and kept clean, and shall be linewashed or painted whenever in the opinion of the commissioner of labor the same is necessary. The floors in such places shall be impermeable and made of cement or tile laid in cement, brick, wood, or other suitable non-absorbent material which can be flushed and washed clean with water or otherwise kept in a clean and sanitary condition. The doors, windows, and other openings of such places shall, where practicable, be fitted with stationary or self-closing screen doors and wire window screens during such months as they are necessary to exclude flies and other insects. No employee of any such place shall expectorate or discharge any substance from his mouth or nose on the floor or interior side wall of any room used for the purposes mentioned in this section. Cuspidors, for the use of employees, shall be provided, and each cuspidor shall be emptied and washed out daily with disinfectant solution and a portion of such solution shall be left in each cuspidor while in use. No water-closet, earth closet, privy, ash pit, or sleeping room for employees shall be in or communicate directly with any room used for the purposes mentioned in this section. All employees of such places engaged in the manufacture and handling of bakery products shall wear clothing of washable material which shall be used for that purpose only, and such garments shall be kept clean at all times.

SEC. 4. In every place of employment the employer shall provide, in each workroom thereof, proper and sufficient means of ventilation, and shall maintain proper and sufficient ventilation. If excessive smoke, steam, gas, fumes, vapors, dust, or other impurities are created or generated by the manufacturing process or handicraft carrier therein, in sufficient quantities to obstruct the vision, or to be irritating, obnoxious, or injurious to the health or safety of the employees therein, the room shall be ventilated in such manner as to remove them or render them harmless, so far as is practicable. If in the opinion of the commissioner of labor it is deemed necessary, he may order the installation of exhaust fans and other mechanical means of a proper construction to effectively remove from the point of origin such smoke, steam, gases, fumes, vapors, dust, or other impurities. If the removal of such smoke, steam, gases, fumes, vapors, dust, or other impurities is, because of the nature of the process, impracticable, the commissioner of labor may, if he deems it necessary to the health of the workers in any place of employment, order the isolation of such process or handicraft in a separate room or building.

SEC. 5. No more employees shall be required or permitted to work in a room in any place of employment than will allow to each of such employees not less than 400 cubic feet of air space, unless by a written permit of the commissioner of labor such amount of air space for each employee may temporarily be reduced to not less than 250 cubic feet of air space: *Provided*, That no such permit shall be issued for a room in which smoke, gas, fumes, dust, or vapors are generated or in which there are fires consuming oxygen.

SEC. 6. In every place of employment the workrooms shall, so far as the nature of the industry will permit, be properly heated during cold weather.

In every place of employment where excessive heat be created in any of the workrooms by the nature of the process therein carried on it shall be the duty of the employer to provide heat deflectors, exhaust fans, and such other mechanical means that are necessary to protect from the heat and to carry off, so far as practicable, such excessive heat and to cool off such workrooms. After the passage of this act it shall be unlawful in any place of employment to establish any process or handicraft which creates excessive heat in any workroom the ceiling of which is less than 8 feet from the floor of such workroom or the floor of any balcony in such workroom.

The use of salamanders or other heaters that discharge smoke or gas into a workroom in which workers are employed is prohibited.

SEC. 7. In every place of employment there shall be provided adequate toilet facilities which shall be located conveniently to and easily accessible from all places where persons are employed. Each water-closet, urinal, lavatory, or slop sink located in a toilet room must be connected with a sewer system where a sewer system is available. Indecent or suggestive marks, pictures or words are forbidden in toilet rooms, and such defacement when found by the employer must be at once removed.

SEC. 8. All toilet rooms not having sewer connections and maintained outside of buildings where persons are employed shall on new installations be at least 25 feet from such buildings. In all places of employment where the workers are exposed to excessive heat, humidity, or fatigue from physical exertion there shall be a covered passageway connecting said buildings with such toilet or toilets.

SEC. 9. In all places of employment where five or more persons are employed and are of opposite sex, separate toilets for each sex shall be provided and maintained. Such toilets shall be so marked as to designate plainly and distinctly the sex for whose use they are intended, and no person shall be allowed to use the toilet room assigned to the opposite sex.

SEC. 10. The toilets in all places of employment must be so constructed as to insure privacy. The outside partitions of all toilet rooms shall be of solid construction, and may be opaque or translucent, but not transparent, and shall extend from floor to ceiling, or such rooms shall be independently ceiled over. All partitions separating toilet rooms provided for the different sexes shall be constructed of such materials as are not transparent or translucent, and they shall be sound proof, and no opening in such partitions shall be permitted. If the water-closet is not located within a separate compartment in the toilet room, the entrance to such toilet room shall be provided with a screen of sufficient height and width to insure privacy. The floors of all toilet rooms shall be tight, smooth, and constructed of a material that can be kept in a sanitary condition. The walls and ceiling shall be tight and of such substance that can be readily cleaned and kept clean.

SEC. 11. In all places of employment the toilet rooms, and every part thereof, including the floor, walls, and ceiling, and all fixtures therein, must be kept in a clean condition. All toilet rooms and water-closet compartments shall be adequately illuminated by natural or artificial light. All toilet rooms not lighted by windows that open easily shall be adequately ventilated to the outside air by artificial means. All toilet facilities shall be adequately protected to prevent the entrance and breeding of flies, so far as practicable. All toilet rooms, wherever practicable, shall be adequately heated at all times.

SEC. 12. In all places of employment, water-closets shall be provided in the following number and ratio: When there are 100 or less persons on a shift employed, there shall be one water-closet for every 20 persons; when there are 100 to 500 persons on a shift, there shall be one water-closet to every 30

persons; when there are 500 to 1,000 persons on a shift, there shall be one water-closet to every 35 persons on a shift, and when there are over 1,000 persons on a shift, there shall be one water-closet to every 40 persons on a shift.

When there are more than 100 men employed on a shift there shall, in addition to the water-closets required by this section, be provided one urinal for every 50 men.

Urinals shall be either individual or slab urinals. At least 2 feet of slab urinal shall be considered the equivalent of one individual urinal.

SEC. 13. Every place of employment shall provide, without expense to the employee, adequate facilities for washing the hands and face of the employee. Individual towels shall be provided by the employer, and the use of towels in common is prohibited.

In all places where food is prepared or manufactured, in all places where poisonous or injurious materials are handled by the employees, and in all places where the employees are required by the nature of the process at which they are employed to become covered with oil, grease, soot, or other material not easily removed, the employer shall provide hot and cold water and soap in sufficient quantities to permit employees to make themselves clean.

SEC. 14. In every place of employment in which a change of clothing is necessary for any of the employees in doing their work, suitable dressing rooms shall be provided and shall be separate for the sexes. All such dressing rooms shall be kept in a clean and sanitary condition and be adequately ventilated. In all places of employment where poisonous compounds are handled by the employees, facilities for hanging and storing both working and street garments shall be provided so that they will not come in contact with each other, nor with the garments of others. All such dressing rooms installed after the passage of this act shall be inclosed by means of solid partitions or walls, shall be so separated from toilet rooms, and shall have at least one window opening to the outer air, or other means of properly ventilating such rooms.

SEC. 15. In every place of employment it shall be unlawful to keep or eat any food in a room in which the dust or fumes of poisonous compounds are present. In such places of employment the employer shall provide a suitable place in which employees may eat their meals. No employee engaged in handling such poisonous compounds shall go out or be allowed to go out for lunch or to eat his or her lunch on the premises without first washing his or her hands and, if necessary, washing his or her face.

SEC. 16. In all places of employment where women are employed, the employer thereof shall provide and maintain suitable seats, with proper backs where practicable, for the use of such women employees, and permit the use thereof by such employees to such an extent as may be reasonable for the preservation of their health. In all places where women are engaged in work which can be properly performed in a sitting posture, suitable seats, with backs where practicable, shall be supplied in every factory for the use of all such women employees and permitted to be used at such work. The commissioner of labor may determine when seats, with or without backs, are necessary and the number thereof.

SEC. 17. Every place of employment shall provide, without expense to the employees, an adequate supply of pure drinking water. When practicable, ice used for cooling purposes shall be applied in such manner that the ice itself will not come in contact with the drinking water and the water from the melting ice shall not become mixed with the drinking water. In all places of employment where no running water can be provided the receptacle for holding the drinking water shall at all times be kept in a clean and sanitary condition

and must be kept covered to prevent dust or impurities from entering such receptacle.

SEC. 18. Whenever any building is occupied by more than one place of employment and the halls, stairs, toilets, or other portions of the building are used jointly by more than one tenant, or in which conditions prohibited by this act are jointly created by more than one tenant, it shall be the duty of the owner of such building to carry out the provisions of this act: *Provided*, That the owner of any such building may arrange, by agreement, with one or more of his tenants to assume responsibility for carrying out the provisions of this act.

SEC. 19. It shall be the duty of the commissioner of labor to enforce the provisions of this act. Thirty days' notice shall be given for any new installations required by this act before any criminal proceeding shall be commenced; but the commissioner of labor may, for good cause shown, extend the time to a longer period. All orders to place toilets, floors, and receptacles in a sanitary condition shall be complied with in 48 hours. Any person, firm, or corporation violating the provisions of this act or failing to comply in the time specified with any order of the commissioner of labor shall be guilty of a misdemeanor, punishable by fine or imprisonment at the discretion of the court. Any person, firm, or corporation aggrieved at any order of the commissioner of labor issued pursuant to this act may apply for a restraining order to the district court in the manner and as provided in section 3822, General Statutes of 1913.

SEC. 20. Sections 3837, 3838, 3887, 3890, 3853, 3854, and 3855, and all other acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Foundries—Regulation—Health and Safety of Employees. (Ch. 84, Act Mar. 21, 1919.)

SECTION 1. *Definition of terms.*—An iron or steel foundry shall mean a place where iron or steel or both metals are melted and poured into sand molds in the making of castings, together with all cleaning, core-making, drying, and wash rooms and toilet rooms used in connection therewith.

The term "entrance" as used in this act shall mean main doorways opening directly to the outer air.

The term "gangway" as used in this act shall mean well-defined passageways dividing the working floors of foundries, but not the spaces between molds. Spaces between molds shall be divided into three classes, which shall be known as "bull-ladle aisles," "hand-ladle aisles," and "buggy-ladle aisles."

SEC. 2. *Exemption of foundries.*—Except as otherwise specified, the provisions of this act shall, as to the subjects covered herein, exempt foundries from the laws relating to factories and workshops.

SEC. 3. *Protection of entrance to foundries.*—Entrances to foundries shall be protected from November 1 to April 1 of each year by a covered vestibule, either stationary or movable, which shall be so constructed as to eliminate drafts and of such dimensions as to answer ordinary purposes, such as the passage of wheelbarrows, trucks, and small industrial cars: *Provided*, This shall not apply to entrances used for railroad or industrial cars handled by locomotives, or motors or for traveling cranes; or for vehicles, or for large industrial cars moved by hand; these entrances may remain open only for such time as is necessary for the ingress and egress of such cars, trucks, and trains.

No locomotives shall be permitted to remain inside the foundry during the loading or unloading of the cars.

SEC. 4. *Size of gangways, etc.*—Main gangways where metal is carried by hand, bull, or truck ladles shall be not less than 5 feet wide. Truck-ladle gangways which are not main gangways shall be not less than 4 feet wide. Bull-ladle aisles between floors shall be not less than 3 feet wide. Single hand-ladle or buggy-ladle aisles between floors shall be not less than 18 inches wide. Where trolleys are used over molding floors for pouring metal, the aisles shall be of sufficient width to permit the safe ingress and egress of employees and the safe use of the ladles. The provisions of this section shall apply to all foundries hereafter established. In existing foundries, where it is impractical to widen the gangways and aisles to the width required in this section, the commissioner of labor, or his assistants, may permit gangways and aisles to be of a narrower width.

SEC. 5. *Gangways to be kept free and material of which same are to be constructed.*—During the process of casting, every gangway or aisle shall be kept entirely free from pools of water or obstructions of any nature. Every gangway where industrial tracks are used shall be constructed of a hard material of substantial character, and the top of the rails shall be flush with the floor. Every gangway shall be kept in a good and safe condition at all times.

SEC. 6. *Mechanical ventilation.*—Where smoke, steam, gases, or dust arising from any of the operations of the foundry are dangerous to the health or eyes, and where a natural circulation of air does not carry off the greater part of such smoke, steam, gasses, or dust, there shall be installed and operated adequate mechanical means of ventilation.

SEC. 7. *Molding room.*—The cleaning and chipping of castings shall be done in cleaning rooms, except that castings may, when necessary, be chipped or cleaned in the molding room or where cast, provided sufficient protection is furnished by the use of a curtain or screen, or some other means equally good, to protect employees therein.

This section shall not apply if mechanical appliances are used for cleaning castings and the dust and particles arising therefrom are effectively removed.

SEC. 8. *Exhaust systems in tumbler mills.*—Where tumbler mills are used, exhaust systems shall be installed to effectively carry off the dust arising from the cleaning of castings, except where the mill is operated outside the foundry. This section shall not prohibit the use of a water barrel for cleaning castings. Sand blast operations shall be carried on in the open air or in a separate room used solely for that purpose. The milling of cupola cinders, when done inside the foundry, shall be carried on by an exhaust mill or water mill.

SEC. 9. *When compressed air can not be used.*—No cores shall be blown out of castings by compressed air unless such work is done outside the foundry or in a special or dust-proof inclosure. Employees engaged in cleaning castings by compressed air or sand blast shall wear eye guards and helmets, to be furnished by the employer.

SEC. 10. *Hoods and pipes to be supplied.*—When fumes, gases, and smoke are emitted from drying ovens in such quantities as to be detrimental to the health or eyes of the employees, hoods and pipes or other adequate means of ventilation shall be provided.

SEC. 11. *Artificial light.*—Where natural light is insufficient to properly light the foundry, artificial light of sufficient power shall be provided.

The continuous use of hand torches or other lamps that emit injurious smoke and gases is prohibited.

SEC. 12. *Heat.*—Proper and sufficient heat shall be provided and maintained in every foundry. The use of the open salamander stove, or stoves of that type, for heating purposes shall be prohibited, except in cases of emergency.

SEC. 13. *Drying of ladles.*—All hand and bull ladles shall be dried outside the foundry, or in accordance with section 6 of this act. A sufficient number of sheet-iron shields shall be available in foundries for use in covering hand and bull ladles.

SEC. 14. *Drying of clothes.*—Suitable facilities shall be provided for drying the clothing of such employees as may be found necessary.

SEC. 15. *Water-closets.*—In every foundry where water-closets or privy accommodations are permitted to remain outside of the foundry the passageway leading from the foundry to said water-closets or privy accommodations shall be so constructed that the employee in passing thereto or therefrom shall not be exposed to outdoor atmosphere, and such passageways, water-closets, or privy accommodations shall be properly heated during cold weather.

SEC. 16. *Number of closets.*—Water-closets shall be provided in every foundry and for each sex according to the following table:

Number of persons.	Number of closets.	Ratio.
1 to 10	1	1 for 10
11 to 25	2	1 for 12½
26 to 50	3	1 for 16⅔
51 to 80	4	1 for 20
80 to 125	5	1 for 25

SEC. 17. *Individual lockers.*—Individual lockers, arranged for locking, shall be provided for employees, and shall be placed either in a room used exclusively for that purpose, in the wash room, in the drying room, or at convenient places in the foundry. The necessity for individual lockers shall be determined by the commissioner of labor or his assistants.

SEC. 18. *Inspection of appliances.*—Ladles, shanks, tongs, slings, and yokes, skimmers and slag hoes used in the pouring of molten metals shall, prior to their use, be inspected daily as to their safety by the men preparing and using same; and, in addition, a regular inspection as to their safety shall be made once a month by a man designated for that purpose.

A monthly inspection shall also be made of the chains and cables on counterweights in connection with drying ovens, and reports of such inspection shall be made on prescribed forms and be kept on file for examination by the State factory inspector.

SEC. 19. *Breaking of castings prohibited.*—The breaking of castings by the use of a drop inside the foundry during the general working hours is prohibited. Where a drop is used for the breaking of castings or scrap outside of the foundry, a permanent shield of heavy planking or other adequate protection shall be provided.

SEC. 20. *Females not to be employed in core rooms.*—No female shall be employed in placing cores into ovens or in taking cores out of ovens.

SEC. 21. *Number of pounds specified.*—No female employed in any core-making room shall be permitted to make or handle cores when the combined weight of core, core box, and plate at which she is working shall exceed 25 pounds.

SEC. 22. *Various definitions.*—A brass foundry shall mean a place where brass, aluminum, copper, tin, zinc, gold, silver, or composition metals containing any of the foregoing metals are melted or poured into sand molds in the making of castings: *Provided*, That foundries where only aluminum is melted shall be covered by the provisions of this act governing iron and steel foundries.

The term "cellar," when used in this act, shall mean a room or part of a building which is one-half or more of its height below the level of the curb on the ground adjoining the building (excluding areaways).

The term "basement," when used in this act, shall mean a room or a part of a building which is one-half above the level of the curb.

SEC. 23. *Application to brass foundries.*—The provisions of this act relative to dust, smoke, gases, or fumes, ventilation, sanitation, heat, light, gangways and aisles, safety appliances, drying and locker accommodations, as specified for iron and steel foundries shall apply to brass foundries.

SEC. 24. *Detail construction in brass foundries.*—In all brass foundries, when the crown plate of an upright melting furnace is elevated above the surrounding floor in excess of 12 inches, the furnace shall be equipped with a platform with a standard rail; such platform shall be constructed of metal or other fireproof material, and shall extend along the front and sides of the furnace, flush with the crown plate, and shall be at least 4 feet in width, and shall be clear of all obstructions during pouring time. If the platform is elevated above the floor in excess of 12 inches the lowering from same of crucibles containing molten metal shall be done by mechanical means.

Where the combined weight of crucible, tongs, and molten metal exceeds 250 pounds, the same shall be removed from the furnace and deposited on the floor by mechanical means.

SEC. 25. *Protection for legs and feet.*—All persons removing pots containing molten metal from furnaces and handling same shall be provided with protection for legs and feet.

SEC. 26. *Gangways, etc.*—In all brass foundries gangway dirt and floor scrapings shall not be riddled in the room where workmen are employed, unless they are so dampened as to prevent dust arising therefrom.

SEC. 27. *Casings for stoves.*—Stoves used for drying molds when located in the rooms used by workmen shall be surrounded by a casing of fireproof material to the full height of the stove.

SEC. 28. *Clearances.*—No brass foundry shall hereafter be constructed with a clearance of less than 14 feet between the lowest point of the ceiling and the floor, except that where a peak, sawtooth, monitor, or arch roof is constructed the side walls may be of a minimum height of 12 feet.

SEC. 29. *Reopening of foundries.*—In case any foundry that was legally operated in a cellar or basement on January 1, 1919, shall be discontinued or unused for a period of more than four consecutive months, it can thereafter be reopened as a foundry only by complying with all the provisions of this act relating to future foundries. The occasional operation of a foundry for the purpose of evading this section shall not be deemed a continuance of use thereof.

SEC. 30. *Commissioner of labor to enforce provisions.*—The commissioner of labor and his assistants shall enforce the provisions of this act. Any person, firm, or corporation violating any of the provisions of this act shall, if after written notice by the commissioner of labor or his assistants of such violation they shall not after 30 days have complied with such notice, be guilty of a misdemeanor and shall be punished by a fine not exceeding \$100 or by imprisonment not exceeding 90 days. If an employee neglects to use the devices furnished under the provisions of this act he shall be guilty of a misdemeanor, punishable by a fine not exceeding \$10 or imprisonment for not exceeding 10 days.

SEC. 31. *Effective January 1, 1920.*—This act shall take effect and be in force from and after January 1, 1920.

Buildings for Railroad Construction or Repair Work—Erection and Maintenance—Sanitary Requirements. (Ch. 514, Act Apr. 25, 1919.)

SECTION 1. That every person, firm, copartnership, corporation, or receiver thereof engaged in the construction or repairing of railroad cars, car trucks, or other equipment used for conveyance by rail, shall erect and maintain a building or buildings at every station or point where there are as many as six men employed at one time for a period of not less than 30 days, on the work of construction or repairing of such cars, car trucks, or other such equipment; the building or buildings to cover a sufficient portion of the repairing or construction company's yards or tracks so that all employees engaged in such work shall be protected from heat, rain, cold, snow, or other inclement weather while working at such work.

SEC. 2. The provisions of this act shall not apply to the repairing of conveyances while the same are en route as part of a train, nor shall it apply to cars loaded with live stock or perishable freight, when trains are being held for the movement of said cars.

SEC. 3. All buildings to be erected hereunder shall substantially comply with the following specifications:

In buildings that cover more than one track the distance between the inside rails of each track shall not be less than 12 lineal feet. Between the walls of the buildings and the outside rails there shall be a distance of 10 lineal feet. The building or buildings shall not be less than 20 feet high at the eaves. Each building shall be inclosed from roof to ground and shall have glass windows on each side with a space of not to exceed 12 feet apart. The side windows shall not be less than 9 feet high and not less than 4 feet wide. Windows shall be in three sections and each section shall be equipped with pivot and opening device. The buildings shall be equipped with side and end doors. The end doors shall be not less than 6 feet wide and 16 feet high, and there shall be two such doors for each track covered by the building. The side doors shall be the same width and height as the end doors and shall be not to exceed 40 feet apart. The roof shall be provided with a cupola the entire length of the building, and be equipped with side windows of not less than 3 feet in width and 6 feet in height, having pivot and opening device that shall be at all times operative. A similar cupola shall be provided for each two additional tracks in width of such building. The buildings shall be equipped with necessary heating facilities, and shall at all times have drainage that will keep them in a clean and sanitary condition. They shall be equipped with sanitary drinking fountains where clean, wholesome drinking water can be obtained. A sufficient number of sanitary lavatories shall be provided for said employees, and sanitary toilets shall be provided and kept properly cleaned, ventilated, and free from odor. Such toilets shall be properly partitioned, and there shall be at least one for each 15 persons employed. All scaffolding used in such buildings shall be made of clear lumber free of all knots, and shall be kept in first-class condition at all times. The use of paint spraying machines shall not be permitted inside such buildings. It shall be the duty of the railroad and warehouse commission to determine as soon as practicable what portion of the repair or construction tracks of each railroad in the State it shall be necessary to cover with such building or buildings in order to comply with section 1 hereof, and said commission shall thereupon make an order as to each railroad in the State specifying the size of the building or buildings necessary at each location where such repair or construction work is carried on, and it shall thereupon be the

duty of each railroad company to forthwith erect such buildings and have all the same ready for occupancy not later than September 1, 1922.

SEC. 4. Where any such buildings are maintained, it shall be unlawful for any employer to require men so employed to work outside of such buildings in rain, heat, cold, snow, or other inclement weather.

SEC. 5. Any person, firm, copartnership, corporation, or receiver thereof violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be liable for a penalty of not less than \$100 nor more than \$500 for each offense, and the failure to provide a building or buildings as hereinbefore required shall constitute a separate offense for every day or part of the day while such failure continues, and such penalty shall be recovered in a suit brought in the name of the State of Minnesota, in any court having jurisdiction thereof, by the attorney general of the State, or at his direction. All fines and penalties recovered by the State under this act shall be paid into the treasury of the State of Minnesota.

SEC. 6. This act shall take effect and be in force on and after September 1, 1920.

Embalmers—Examination for License. (Reg. Bd. of H., Oct. 14, 1919.)

29. Every funeral director or embalmer who wishes to qualify as competent to prepare a body for burial or transportation, as required by the laws of the State of Minnesota (chapter 101, laws of 1905), sections 5049-5054, Gen. Stat. 1913) shall comply with the following requirements:

He shall make application to the Minnesota State Board of Health for a license. Such application shall contain the name of the applicant in full, age, and place of residence. It shall be indorsed by a licensed embalmer and two registered physicians of good repute as to the applicant's general standing.

The applicant must be at least 21 years of age; must have had at least one year of practical experience under a licensed embalmer, and must be of good moral character.

The examination shall consist of:

1. Practical examination upon the cadaver.
2. A written examination of not less than 50 questions upon the following subjects:

Anatomy of the principal organs of the body; 10 questions.

The cavities of the human body; 5 questions.

Arterial and venous system; 10 questions.

The blood and discolorations; 5 questions.

Arterial and cavity embalming; 10 questions.

Bacteria and disinfection; 6 questions.

Transportation rules; 4 questions.

Chemistry; 5 questions.

3. An oral examination of not less than 25 questions upon the following subjects.

Embalming; 15 questions.

Communicable disease; 4 questions.

Disinfection; 6 questions.

The applicant must attain a proficiency of 75 per cent on the entire examination.

MISSISSIPPI.

Foodstuffs; Places Where Foodstuffs Are Manufactured, Handled, or Sold; and Employees in Such Places—Regulations Governing. (Reg. Bd. of H., June 23, 1919.)

1. No person who has any venereal disease, tuberculosis, or any transmissible disease shall be permitted to work in restaurants, soda fountains, soft-drink factories, ice-cream factories, dairies, creameries, bakeries, fruit stands, candy kitchens, or any place where food is handled, and no person who has any such disease shall work in barber shops.

2. All meat market, bakeries, creameries, ice-cream factories, and candy factories shall be equipped with vestibule doors at main entrance or entrance or entrances supplied with electric fans.

3. No person except officers, employees, or others whose duties require shall be permitted to go upon the platform covering the tanks in which ice is frozen in ice factories. All employees whose services are required on tanks shall use extra foot-wearing apparel while on the tank platform.

4. No wearing apparel shall be placed on or behind counters, on tables or shelves or hung on the walls in rooms where food is prepared. No newspapers or printed paper shall be used to cover counters, tables, shelves or be permitted to come in contact with food offered for sale. Kitchens and dining rooms must be kept free of domestic animals.

5. If any product other than butter is offered for sale by creameries, the pasteurizer must be equipped with a recording thermometer of an approved type.

6. All milk used in the manufacture of ice cream offered for sale shall be pasteurized.

7. The practice of permitting empty unclean ice cream cans to accumulate at local dispensaries of cream or at an express office is prohibited.

8. No agent or local dealer in ice cream shall offer for shipment and no express company or common carrier shall receive for shipment any empty ice-cream cans where the liner has not been removed and the can thoroughly cleaned.

9. All ice-cream cans before being refilled with ice cream offered for sale shall be lined with paraffin paper.

10. Show cases containing food must not be lined with newspapers or contain any other articles except food.

11. The handling of any unwrapped candy by any other method than by a scoop, spoon, tongs, or gloves is prohibited.

12. The practice of operating in a grocery store a lunch counter where hot food is cooked and served is prohibited.

13. It shall be unlawful to make a living room of a grocery store.

14. All places where soft drinks are served and using sirups in the manufacture of such drinks shall be provided with a well-screened sirup room to be used exclusively for the mixing and storing of sirups.

15. All soda-pop factories and bottling plants preparing soft drinks for public use must be supplied with a soaker and all bottles before being filled shall remain in the soaker not less than 10 minutes and the cleaning and disinfecting solution in the soaker shall contain not less than 5 per cent sodium hydroxide and the water shall have a temperature of not less than 112° F.

MISSOURI.

Venereal Diseases—Notification of Cases—Instructions and Circular of Information to be Given Patient—Duties of Local Health Officers—Quarantine—Prescribing, Recommending, or Compounding Medicine—Unlawful for Infected Person to Expose Others to Infection—Repression of Prostitution—Issuance of Certificates of Freedom from Venereal Diseases—Records Not to Be Disclosed. (Reg. Bd. of H., Oct. 8, 1919.)

Venereal diseases declared dangerous to the public health.—Syphilis, gonorrhea, and chancroid, hereinafter designated venereal diseases, are hereby declared to be contagious, infectious, communicable, and dangerous to the public health.

RULE 1. *Venereal diseases to be reported.*—Any physician or other person who makes a diagnosis in or treats a case of syphilis, gonorrhea, or chancroid, and every superintendent or manager of a hospital, dispensary, or charitable or penal institution in which there is a case of venereal disease shall report such case immediately in writing to the State board of health, stating the name and address or the office number, age, sex, color, and occupation of the diseased person and the date of onset of the disease, and the probable source of the infection: *Provided*, That each case may be reported by serial number; the name and address of the diseased person need not be stated except as herein-after specifically required: *Provided*, That in municipalities where satisfactory arrangements have been made to secure weekly reports from the local health officer physicians may report notifiable diseases occurring within such municipalities, direct to the local health officer, who will forward the information to the State board of health.

RULE 2. *Patients to be given information.*—It shall be the duty of every physician and of every other person who examines or treats a person having syphilis, gonorrhea, or chancroid to instruct him in measures for preventing the spread of such disease, and inform him of the necessity for treatment until cured, and to hand him a copy of the circular of information obtainable for this purpose from the State board of health.

RULE 3. *Investigation of cases.*—All city, county, and other local health officers shall use every available means to ascertain the existence of, and to investigate, all cases of syphilis, gonorrhea, and chancroid within their several territorial jurisdictions and to ascertain the sources of such infections. Owing to the prevalence of such disease among prostitutes and persons associated with them, all such persons are to be considered possible sources of infection.

RULE 4. *Protection of others from infection by venereally diseased persons.*—Upon receipt of a report of a case of venereal disease, it shall be the duty of the local health officer to institute measures for the protection of other persons from infection by such venereally diseased person.

(a) Local health officers are authorized and directed to quarantine persons who have, or are reasonably suspected of having, syphilis, gonorrhea, or chancroid whenever, in the opinion of said local health officer, or the State

board of health, or its secretary, quarantine is necessary for the protection of the public health. In establishing quarantine the health officer shall designate and define [the] limits of the area in which the person known to have, or reasonably suspected of having syphilis, gonorrhea, or chancroid, and his immediate attendant are to be quarantined and no person other than the attending physician shall enter or leave the area of quarantine without the permission of the local health officer.

No one but the local health officer shall terminate said quarantine, and this shall not be done until the diseased person has become noninfectious, as determined by the local health officer or his authorized deputy through the clinical examination and all necessary laboratory tests, or until permission has been given him so to do by the State board of health or its secretary.

(b) The local health officer shall inform all persons who are about to be released from quarantine for venereal disease, in case they are not cured, what further treatment should be taken to complete their cure. Any person not cured before release from quarantine shall be required to sign the following statement after the blank spaces have been filled to the satisfaction of the health officer:

I, _____, residing at _____, hereby acknowledge the fact that I am at this time infected with _____ and agree to place myself under the medical care of _____ (name of physician or clinic) within _____ hours, and that I will remain under treatment of said physician or clinic until released by the health officer of _____ or until my case is transferred with the approval of said health officer to another regularly licensed physician or an approved clinic.

I hereby agree to report to the health officer within four days after beginning treatment as above agreed, and will bring with me a statement from the above physician or clinic of the medical treatment applied in my case, and thereafter will report as often as may be demanded of me by the health officer.

I agree further that I will take all precautions recommended by the health officer to prevent the spread of the above disease to other persons, and that I will not perform any act which would expose other persons to the above disease.

I agree, until finally released by the health officer, to notify him of any change of address and to obtain his consent before moving my abode outside his jurisdiction.

(Signature.)

Date.

All persons signing the above agreement shall observe its provisions, and any failure so to do shall be a violation of these regulations. All such agreements shall be filed with the health officer and kept inaccessible to the public as provided in rule 10.

RULE 5. Conditions under which the name of a patient is required to be reported.—(a) When a person applies to a physician or other person for the diagnosis or treatment of syphilis, gonorrhea, or chancroid, it shall be the duty of the physician or person so consulted to inquire of and ascertain from the person seeking such diagnosis or treatment whether such person has theretofore consulted with or has been treated by any other physician or person and, if so, to ascertain the name and address of the physician or person last consulted. It shall be the duty of the applicant for diagnosis or treatment to furnish this information, and a refusal to do so or a falsification of the name and address of such physician or person consulted by such applicant shall be deemed a violation of these regulations. It shall be the duty of the physician or other person whom the applicant consults to notify the physician or other person last consulted of the change of advisers. Should the physician or person previously consulted fail to receive such notice within 10 days after the last date upon which the patient was instructed by him to appear, it shall be the

duty of such physician or person to report to the local health officer the name and address of such venereally diseased person.

(b) If an attending physician or other person knows or has good reason to suspect that a person having syphilis, gonorrhea, or chancre is so conducting himself or herself as to expose other persons to infection, or is about to so conduct himself or herself, he shall notify the local health officer of the name and address of the diseased person and the essential facts in the case.

RULE 6. Druggists forbidden to prescribe for venereal diseases.—No druggist or other person not a physician licensed under the laws of the State shall prescribe or recommend to any person any drugs, medicines, or other substances to be used for the cure or alleviation of gonorrhea, syphilis, or chancre, or shall compound any drugs or medicines for said purpose from any written formula or order not written for the person for whom the drugs or medicines are compounded and not signed by a physician licensed under the laws of the State.

RULE 7. Spread of venereal disease unlawful.—It shall be a violation of these regulations for any infected person knowingly to expose another person to infection with any of the said venereal diseases or for any person to perform an act which exposes another person to infection with venereal disease.

RULE 8. Prostitution to be repressed.—Prostitution is hereby declared to be a prolific source of syphilis, gonorrhea, and chancre, and the repression of prostitution is declared to be a public health measure. All local and State health officers are therefore directed to cooperate with the proper officials whose duty it is to enforce laws directed against prostitution and otherwise to use every proper means for the repression of prostitution.

RULE 9. Giving certificates of freedom from venereal diseases prohibited.—Physicians, health officers, and all other persons are prohibited from issuing certificates of freedom from venereal disease: *Provided*, This rule shall not prevent the issuance of necessary statements of freedom from infectious diseases written in such form or given under such safeguards that their use in solicitation for sexual intercourse would be impossible.

RULE 10. Records to be secret.—All information and reports concerning persons infected with venereal diseases shall be inaccessible to the public except in so far as publicity may attend the performance of the duties imposed by these regulations and by the laws of the State.

Industrial Diseases—Reports of Cases to be Transmitted by Secretary of State Board of Health to State Industrial Inspector—Powers and Duties of State Industrial Inspector—Posting Notices in Factories and Work Places. (Act May 21, 1919.)

SECTION 1. Amending certain sections.—That sections 6, 12, 13, and 14, of an act¹ approved March 27, 1913, found in laws of 1913, page 402, entitled "An act to promote the public health by protecting certain employees in this State from the dangers of occupational or industrial diseases, providing penalties, and providing for the enforcement thereof," be, and the same are hereby, amended by striking out certain words therein and inserting other words in lieu thereof. Section 6 shall be amended by striking out in line 4 the word "factory" and inserting in lieu thereof the word "industrial." Section 12.—Section 12 shall be amended by striking out in lines 1, 2, and 5 the word "factory," and inserting in lieu thereof, in each instance, the word "industrial." Section 13 shall be amended by striking out in line 8 the following parenthesis and words "(employees arising from such)"; by striking out in

¹ Pub. Health Repts. Reprint 264, p. 275.

line 10 the word "factory" and inserting in lieu thereof the word "industrial." Section 14.—Section 14 shall be amended by striking out in the sixth line the word "factory" and inserting in lieu thereof the word "industrial," said sections as amended shall read as follows:

SEC. 6. *Duty of secretary of board of health.*—The secretary of the State board of health shall, immediately upon receipt of any report from any physician in accordance with the provisions of section 5 of this act, transmit a copy thereof to the State industrial inspector and a copy to the superintendent of the factory in which the employee is supposed to have contracted his ailment.

SEC. 12. *Duty of State industrial inspector.*—It shall be the duty of the State industrial inspector to enforce the provisions of this act and to prosecute all violations of the same before any magistrate or any court of competent jurisdiction in this State, and for that purpose the State industrial inspector and his assistants are empowered to and shall visit and inspect, at least once a year, and at reasonable hours, and as often as practicable, all places of employment covered by the provisions of this act.

SEC. 13. *Notices to be posted in rooms; to contain, what.*—For the purpose of disseminating a general knowledge of the provisions of this act and of the dangers to the health of employees in any work or process covered by the provisions of this act, the employer shall post in a conspicuous place in every room or apartment in which any such work or process is carried on appropriate notices of the known dangers to the health of any such employees arising from such work or process, and simple instructions as to any known means of avoiding, so far as possible, the injurious consequences thereof, and the State industrial inspector shall have prepared a notice covering the salient features of this act and furnish a reasonable number of copies thereof to employers in this State affected by the provisions of this act, which notice shall be posted by every such employer in a conspicuous place in every room or apartment in such place of employment. The notices required by this section shall be printed on cardboard of suitable character and the type used shall be such as to make them easily legible.

SEC. 14. *Penalty for violation.*—Any person, firm, or corporation who shall, personally or through any agent, violate any of the provisions of this act, or who fails or refuses to comply with any of its requirements, or who obstructs or interferes with any examination or investigation being made by the State department of industrial inspection in accordance with the provisions of this act, or any employee who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine of not less than \$25 or more than \$200, and in each case shall stand committed until such fine and costs are paid, unless otherwise discharged by due process of law.

State Tuberculosis Hospital—Admission of Indigent Patients. (Act May 2, 1919.)

SECTION 1. *Repealing and reenacting section 1465.*—Section 1465 is hereby repealed and the following new section enacted in lieu thereof to be known as section 1465:

SEC. 1465. *Free patients.*—The board of managers of said sanitarium are hereby given power to receive into the institution patients who have no ability to pay, but no person shall be admitted who has not been a citizen of this State for at least one year preceding the date of application. Each person desiring free treatment at said sanitarium shall apply under oath to the county

court in which he or she may reside, and if a resident of the city of St. Louis to the comptroller of said city, who shall at once certify the said name of said applicant to the superintendent of said sanitarium for the admission and treatment of such person, which certification shall be filed and recorded in a book kept by the superintendent in order of its receipt. Admission to the sanitarium shall be in order in which the names of the applicant[s] appear on the record book so kept by the superintendent. Whenever there are vacancies in this institution, the superintendent shall at once issue a request to an examining physician, appointed as provided for in section 1464 of this article, in the same city or county, and if there be no examining physician in said city or county, then the nearest examining physician, for the examination by him of said patient. Upon the request of the superintendent said examining physician shall examine all persons applying for free admission and treatment in said institution. No person shall be admitted as a patient in said institution without a certificate of one of said examining physicians certifying that such applicant is suffering from incipient pulmonary tuberculosis. Every person who is certified as herein provided to be unable to pay for his or her care or treatment shall be transported to and from the sanitarium at the expense of the county in which they are a resident, and if the patient be a resident of the city of St. Louis, then at the expense of said city.

State Tuberculosis Hospital—Collection of Fees from Counties and Cities for Care of Indigent Patients. (Act May 2, 1919.)

SECTION 1. *Repealing and reenacting section 1466.*—That section 1466 of the Revised Statutes of the State of Missouri for the year 1909 be, and the same is hereby, repealed and the following new section enacted in lieu thereof, to be known as section 1466 and to read as follows:

SEC. 1466. *Fixing and providing for collection of fees for care of patients.*—At least once in each month the superintendent of the sanatorium shall furnish the treasurer of the institution a list of all free patients in the sanatorium, together with sufficient facts to enable said treasurer to collect from the various counties or cities such sums as may be owing to the institution for the examination, care, clothing, and treatment of the patients who have been received by the institution and who are shown by the statement of the proper county or city officials as hereinbefore provided to be unable to pay for their care and treatment. Said treasurer shall thereupon collect from the various counties or cities the sum due for the care and treatment of each such patient at a rate not exceeding \$7.50 per week for each patient: *Provided*, The said funds when collected by the treasurer shall be forwarded to the State treasurer under the provisions of section 1444 of the Revised Statutes for the State of Missouri, 1909.

State Board of Health—Powers and Duties—Regulations by—Divisions. State Commissioner of Health—Qualifications and Duties. Deputy State Commissioners of Health in Counties and Cities—Appointment and Duties. Penalty for Offenses Against the Public Health. (Act May 21, 1919.)

SECTION 1. *Repealing and reenacting certain sections.*—That sections 6653, 6654, 6655, 6656, 6662, and 6663 of an act entitled "Laws governing public health," as it appears in chapter 53, Article I, Revised Statutes, 1909, be, and the same are hereby, repealed, and new sections, to be known as sections

6653, 6653a, 6653b, 6654, 6655, 6655a, 6656, 6656a, 6662, and 6663 of said act, are hereby enacted in lieu thereof, as follows:

SEC. 6653. Powers and duties of the board.—It shall be the duty of the State board of health to safeguard the health of the people in the State, counties, cities, villages, and towns. It shall make a study of the causes and prevention of diseases and shall have full power and authority to make such rules and regulations as will prevent the entrance of infectious, contagious, communicable, or dangerous diseases into the State. It may send representatives to public health conferences when deemed advisable, and the expenses of such representatives shall be paid by the State as provided in this act for expenses of the members of the State board of health.

SEC. 6653a. Designate diseases; rules and regulations.—The board shall designate those diseases which are infectious, contagious, communicable, or dangerous in their nature, and shall make and enforce adequate rules, regulations, and procedures to prevent the spread of those diseases and to determine the prevalence of said diseases within the State.

SEC. 6653b. Establish subdivisions.—In addition to the divisions of vital statistics and laboratories already established, the board shall establish the following divisions: Preventable diseases, including tuberculosis, child hygiene, venereal diseases, and other divisions as it may deem necessary from time to time. The board shall formulate rules and regulations for the proper conduct of these divisions.

SEC. 6654. Commissioner of health.—A commissioner of health may be selected by the board who shall be a physician skilled in sanitary science and experienced in public health administration. It shall be his duty to enforce the rules and regulations of the board, and he shall submit to the State board of health an annual report with his recommendations.

SEC. 6655. Deputy State commissioners of health for counties and cities.—At the first regular February term of the county court in each county of the State after this act becomes effective and at the regular February term of said county court every third year thereafter said court shall appoint a reputable physician as a deputy State commissioner of health for that county for a term of three years. In case of a vacancy in the office of the deputy State commissioner of health of a county, the county court shall at its next regular term of court appoint a reputable physician for the unexpired term. If the county court fails to appoint a deputy State commissioner of health as above provided at the February term of said court or at the next term following a vacancy, the State board of health shall appoint a reputable physician as deputy State commissioner of health for that county who shall serve until the county court of such county makes such appointment. The county court of any county upon appointing a physician as deputy health commissioner shall confer with such physician and agree with him as to his compensation and expenses for the performance of his duties as deputy State health commissioner of that county and such compensation and expenses shall be paid to him out of the county treasury of that county. If it becomes necessary for the State board of health to appoint a deputy State health commissioner, as above provided, said State board of health shall fix a reasonable compensation for such deputy State health commissioner and shall designate what shall be his reasonable expenses, all of which shall be paid out of the county treasury of the county of which he is deputy State health commissioner.

SEC. 6655a. Duties and jurisdiction of deputy State commissioner of health; penalty for violation.—It shall be the duty of the deputy State commissioners of health for the counties to enforce the rules and regulations of the State

board of health throughout their respective counties outside of incorporated cities which maintain a health officer who has been appointed a deputy State commissioner of health as provided for in section 6655. The deputy State commissioners of health for incorporated cities of less than 75,000 population shall enforce the rules and regulations of the State board of health within their respective cities. Any deputy State commissioner of health who neglects or refuses to perform his duties as required by this act shall be deemed guilty of a misdemeanor. In case of dereliction of duty or refusal to act on the part of the deputy State commissioner of health of any county, the State board of health may at their discretion declare the office of deputy State commissioner of health for that county vacant.

SEC. 6656. *Rules and regulations prescribed to supersede.*—All rules and regulations authorized and made by the State board of health in accordance with this act shall supersede as to those matters to which this act relates, all local ordinances, rules, and regulations and shall be observed throughout the State and enforced by all local and State health authorities. Nothing herein shall limit the right of local authorities to make such further ordinances, rules, and regulations not inconsistent with the rules and regulations prescribed by the State board of health which may be necessary for the particular locality under the jurisdiction of such local authorities.

SEC. 6656a. *Cities having a population of 75,000 or over excepted.*—Nothing in this act shall apply to cities which now have, or may hereafter have, a population of 75,000 or over who are maintaining organized health departments: *Provided*, That such cities shall furnish the State board of health reports of contagious, infectious, communicable or dangerous diseases, which have been designated by them as such, and such other statistical information as the board may require.

SEC. 6662. *Penalty for violation.*—Any person or persons violating, refusing, or neglecting to obey the provisions of this act or any of the rules and regulations or procedures made by the State board of health in accordance with this act, or who shall leave any pest house, or isolation hospital, or quarantined house, or place without the consent of the health officer having jurisdiction, or who evades or breaks quarantine or knowingly conceals a case of contagious, infectious, or communicable disease, or who removes, destroys, obstructs from view, or tears down any quarantine card, cloth, or notice posted by the attending physician or by the health officer, or by direction of a proper health officer, shall be guilty of a misdemeanor.

State Board of Health—Creation and Duties of Division of Child Hygiene. (Act June 3, 1919.)

SECTION 1. *Amending article 1, chapter 53.*—That article 1 of chapter 53 of the Revised Statutes of Missouri of 1909 be, and the same is hereby, amended by adding thereto a new section, to be known as section 6653-a, as follows:

SEC. 6653-a. *Division of child hygiene created.*—There is hereby created in the State board of health a division to be known as the division of child hygiene, to be under the general supervision and direction of the State board of health. The general duties of this division of the State board of health shall include the issuance of educational literature on the care of the baby and the hygiene of the child; the study of the causes of infant mortality and the application of preventive measures for the prevention and suppression of the diseases of infancy and childhood; the supervision and regulation of the physical inspection of school children in the public schools of the State: *Provided*, That no private examination or treatment of any school child shall be made except after

notice to, and by consent of, the parent or guardian of such child; of the sanitary and hygienic conditions in public-school buildings and grounds [sic].

State Bureau of Dairying—Establishment. State Dairy Commissioner—Powers and Duties. Dairy Products—Production, Manufacture, Handling, and Sale. (Act May 24, 1919.)

SECTION 1. *Creating a State bureau of dairying.*—That there is hereby created and established a bureau to be known and styled "The State bureau of dairying," which shall be under the direction and supervision of the State board of agriculture, and the chief of such bureau shall be known and styled as the State dairy commissioner.

SEC. 2. *Duties of dairy commissioner.*—It shall be the duty of the State dairy commissioner to inspect, or cause to be inspected, all creameries, public dairies, butter and cheese factories, milk depots, milk and cream collecting stations, market houses and buildings where dairy products, or any imitation thereof, are sold by wholesale or retail dealers in milk, cream, butter, or cheese, or imitation thereof, in this act referred to; all wagons or vehicles used for the disposition of milk or cream, or other dairy product or imitation thereof; and railroad cars, boats, or other means of transporting milk, cream, or other dairy products, or any imitation thereof, to market, at least once a year; to prescribe such reasonable rules and regulations for their operation as he deems necessary to fully carry out the provisions of this act, or any other law relative to the production, manufacture, transportation, sale, or consumption of dairy products, or imitations thereof, which rules and regulations shall be published in bulletins issued by the State dairy commissioner for the promotion and maintenance of the public health and safety, and the further maintenance of the public dairy industry in this State.

SEC. 3. *Shall inspect and license buying and receiving stations.*—The State dairy commissioner shall inspect and license milk or cream gathering, buying, and receiving stations within this State, and it shall be unlawful for any person, firm, association, or corporation engaged [to engage?] in the business of buying milk within the State for the purpose of shipping same to any city, town, or village in this State for consumption or to be used for the manufacture of butter, cheese, condensed milk, or other human food unless such business shall be transacted at a legally licensed office or station within the State, as in this act provided.

SEC. 4. *Application for license; how made.*—Every person, firm, association or corporation, before engaging in the business of buying milk for the purposes in the foregoing sections set forth, shall annually on or before the 1st day of August, file an application with the State dairy commissioner for a license to engage in such business. Said application shall state the nature of the business, the full name of the person, firm, association, or corporation applying for the license, and if the applicant be an unincorporated firm or association, the application shall state the full name and address, including street and number of each member of such firm or association, the city, town, or village where such business is to be conducted, and such other facts as the State dairy commissioner shall require, concerning the character, financial responsibility, and good faith of the applicant, and shall be accompanied by an annual license fee of \$2. It shall be the duty of the State dairy commissioner to act promptly upon all applications, and issue license[s] to all applicants whose applications he shall approve, and return all rejected applications and remittances accompanying same: *Provided*, That no license shall be issued to

any applicant who, during the year preceding has been found, by the State dairy commissioner, or by any court, to have been guilty of violating any of the provisions of this act, or whose place of business does not, in all respects, meet the requirements of this act. The term "station" or "milk gathering station" or "milk buying station," as used in this act, shall be held to include any established office, or place where the business of buying milk or cream is carried on, whether with, or without a place or premises in connection therewith, for the physical handling of milk. And it shall be unlawful for any person, persons, company, association, or corporation, or any employee or agent thereof to handle milk, cream, butter, ice cream, or other dairy products in an unclean or unsanitary place, or in an unsanitary manner, and the State dairy commissioner or any deputy State dairy commissioner shall have the power, and they are hereby authorized to forbid the handling of cream, milk, butter, ice cream or other dairy products in any such place or places as in his judgment are unsanitary and unclean and will affect the purity and wholesomeness of such dairy products. It shall be unlawful for any person, persons, firm, partnership, company, corporation, or association to handle, test or ship milk, cream, or ice cream or other dairy products in unclean or unsanitary vessels, or to expose milk, cream or ice cream or other dairy products to flies or other contaminating influences liable to convey pathogenic or other injurious bacteria to such milk, cream, ice cream, or other dairy products; and it shall be unlawful for any common carrier to neglect or fail to remove or ship from any railroad depot, on the day of its arrival there for shipment, any milk, cream, or other dairy products left at such depot for transportation; and it shall be unlawful for any person, firm, partnership, company, corporation, or association using cans in which milk or cream is shipped to allow the same to remain at a railroad depot longer than one day from the date of their arrival, or to allow them to stand more than one day without the covers and inverting the cans in pure air. It shall be unlawful to use, lend, or lease for use any cream or milk can or ice cream packer or container for any other purpose than the handling, storing, or shipping of milk, cream, or ice cream.

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SEC. 6. *Commissioner may revoke license, when.*—The State dairy commissioner shall have authority, and is hereby required to revoke any license issued by him for the operation of milk-buying stations, or milk-gathering stations or milk-gathering depots, or for the use and operation of any milk or cream testing apparatus when he shall find that the licensee has violated any of the provisions of this act, or any other law of this State pertaining to the production, manufacture, transportation, sale, use, or consumption of dairy products, or imitations thereof, or upon the filing with him of a certificate of the clerk of any court in this State, showing that the licensee has been convicted of the violation of any such laws since the date of his license.

SEC. 7. *Public meetings; creameries, cheese factories, etc., how encouraged.*—The State dairy commissioner shall, at least once each year, hold a public meeting at each creamery, public dairy, butter or cheese factory in this State, and at such meetings shall cooperate with the producers in the adoption of proper methods to be employed in the production of milk and the care thereof, the proper manner in which to stable, feed, and care for cows; the best methods of raising forage crops suitable for dairy purposes, the mixing of improved or balanced rations for feeding dairy cattle, and such other methods as he shall deem advisable for the advancement of the dairying industry in this State, and it shall be the duty of owner or owners of such creamery, public

dairy, butter or cheese factory, when called upon by the State dairy commissioner so to do, to notify its patrons of the time of such meeting. On petition of 20 persons in each locality who are interested in dairying, or the establishment of a creamery or cheese factory, the State dairy commissioner shall speedily appoint a meeting for such locality, which he shall attend, and if in his judgment the circumstances are favorable, he shall advise and encourage the formation of such dairy, creamery, or cheese factory.

SEC. 9. *Commissioner authorized to inspect factories and seize samples; procedure.*—In the performance of official duties, the State dairy commissioner is hereby authorized and empowered to enter, during business hours, all creameries, public dairies, butter and cheese factories, milk depots, milk and cream collecting stations, market[s], or other places where dairy products or any imitation thereof are sold, or kept for sale, or any railroad cars, wagons, boat, or other vehicle used in the transporting of dairy products or imitation thereof, or any barn, stable, or inclosure where dairy cattle or dairy products are kept or produced, or any factory or building where ice cream or renovated butter, process butter, or any other articles of human food made from dairy products or imitation thereof are manufactured, for the purpose of inspecting the same. He may take samples anywhere of any dairy product or imitation thereof suspected or [of] being made or sold in violation of law, and cause same to be sent to the laboratory of the State food and drug commissioner to be analyzed, and such analysis or test shall be recorded and preserved as evidence, and the certificate of said test when sworn to by chemists making the analysis, shall be admitted in evidence in all civil suits that may result under the provisions of this act. He may require the owner, agent, or manager of every creamery, public dairy, butter and cheese factory, milk depot, milk and cream collecting stations, market houses, and other places where dairy products or imitation thereof are sold, or kept for sale, to report annually, on or before September 1 of each year for the year ending July 1, on blanks to be furnished by the State dairy commissioner, full and accurate information concerning the quantity of milk or cream bought, sold, or used, the average price of the same, the quantity of butter or cheese or imitation thereof produced or sold, and the average price of same, the number of cows used in, or contributing to the operation of such creameries, dairies, and factories; and the number, name, and address of the patrons of each creamery, public dairy, butter or cheese factory, and the number of cows owned or milked by each of said patrons; and the number of gallons of milk sold to such creamery, public dairy, butter or cheese factory by each of the patrons thereof; and such other information as shall to the State dairy commissioner seem expedient and necessary for the proper tabulation of accurate and complete statements of the extent and magnitude of the dairy industry and dairy products of the State; and for this purpose he may examine, under oath, or otherwise, any person whom he may believe has knowledge concerning the operation of any creamery, public dairy, butter or cheese factory or any factory manufacturing any imitation of dairy products; may issue subpoena requiring the appearance of witnesses and the production of books and papers, and may administer oath with like effect as is done in courts of law in this State, and any witnesses so summoned and examined shall receive the same fees therefor as is now provided for like services in justice courts. And it shall be the duty of any circuit court, or the judge thereof, upon the application of said commissioner, to issue an attachment for such witnesses and compel him or them to attend before the commissioner and give testimony upon such matters as he, or they, shall be lawfully required by

such commissioner, and said court or judge shall have power to punish for contempt as in other cases of refusal to obey the orders and processes of the court.

SEC. 10. Definitions.—The terms "creameries," "public dairies," "butter and cheese factories," "milk gathering stations," "milk buying stations," "market houses," for the purposes of this act, shall be construed to mean such as produce, or manufacture, dairy products, or are dealers in or distributors thereof, either genuine or imitation, for sale, either at wholesale or retail, to the general public, and shall not include farmers and others who produce a small surplus of such products in excess of their family use, but shall include the barns and premises of all farmers or others who produce milk or cream for shipment to any central creamery, public dairy, butter or cheese factory, milk gathering station or milk buying station, or market houses.

SEC. 13. Standards of purity.—For the purposes of this act the following definitions and standards of purity for dairy products are hereby established:

1. Milk is the fresh, clean, lacteal secretion obtained by the complete milking of one or more healthy cows, properly fed and kept, excluding that obtained within 15 days before and 10 days after calving, and contains not less than 8½ per cent of solids not fat, and not less than 3¼ per cent of milk fat.

2. Blended milk is milk modified in its composition so as to have a definite and stated percentage of one or more of its constituents.

3. Skim milk is milk from which a part or all of the cream has been removed, and contains not less than 9¼ per cent of milk solids.

4. Pasteurized milk is milk that has been heated below boiling, but sufficiently to kill most of the active organisms present, and immediately cooled to 50° F. or lower.

5. Sterilized milk is milk that has been heated at the temperature of boiling water or higher for a length of time sufficient to kill all organisms present.

6. Condensed milk, evaporated milk, concentrated milk, is the product of the water from the whole, fresh, clean, lacteal secretion obtained by the complete milking of one or more healthy cows, properly fed and kept, excluding that obtained within 15 days before and 10 days after calving, and contains, all tolerances being allowed for, not less than 25.5 per cent of total solids and not less than 7.8 per cent of milk fat.

7. Sweetened condensed milk, sweetened evaporated milk, sweetened concentrated milk is the product resulting from the evaporation of a considerable portion of the water from the whole, fresh, clean, lacteal secretion obtained by the complete milking of one or more healthy cows, properly fed and kept, excluding that obtained 15 days before and 10 days after calving, to which sugar (sucrose) has been added. It contains, all tolerances being allowed for, not less than 28 per cent of total milk solids and not less than 8 per cent of milk fat.

8. Condensed skimmed milk, evaporated skimmed milk, concentrated skimmed milk is the product resulting from the evaporation of a considerable portion of the water from skimmed milk, and contains, all tolerances being allowed for, not less than 20 per cent of milk solids.

8a. Sweetened condensed skimmed milk, sweetened evaporated skimmed milk, sweetened concentrated skimmed milk is the product resulting from the evaporation of a considerable portion of the water from skimmed milk to which sugar (sucrose) has been added. It contains, all tolerances being allowed for, not less than 28 per cent of milk solids.

8b. Dried milk is the product resulting from the removal of water from milk, and contains, all tolerances being allowed for, not less than 26 per cent of milk fat and not more than 5 per cent of moisture.

8c. Dried skimmed milk is the product resulting from the removal of water from skimmed milk, and contains, all tolerances being allowed for, not more than 5 per cent moisture.

8d. Malted milk is the product made by combining whole milk with the liquid separated from a mash of ground barley malt and wheat flour, with or without the addition of sodium chlorid, sodium bicarbonate, and potassium bicarbonate in such a manner as to secure the full enzymic action of the malt extract by removing water. The resulting product contains not less than 7.5 per cent of butter fat and not more than 3.5 per cent of moisture.

9. Buttermilk is the product that remains when butter is removed from milk or cream in the process of churning.

10. Goat's milk, ewe's milk, etc., are the fresh, clean, lacteal secretions, free from colostrum, obtained by the complete milking of healthy animals other than cows, properly fed and kept, and conform in name to the species of animal from which they are obtained.

CREAM.

1. Cream is that portion of milk, rich in fat, which rises to the surface of milk on standing, or is separated from it by centrifugal force, is fresh and clean, and contains not less than 18 per cent of milk fat.

2. Evaporated cream, clotted cream, is cream from which a considerable portion of water has been evaporated.

3. Three grades of cream are hereby established, to be known and described as follows: Extra.—Extra grade cream is sweet cream suitable for table use, and such as will not curdle in hot water, tea, or coffee. First grade.—First-grade cream shall consist of cream that is clean to the taste and smell, slightly sour, containing not to exceed four-tenths of 1 per cent acid, and to contain not less than 25 per cent butter fat, and shall be free from lumps, curd, dirt, and of foreign matter. Second grade.—Second-grade cream is cream that is too sour to grade as first grade and having curdy or undesirable flavors or odors. Cream that is old, rancid, molded, dirty, or curdy, or that is produced by unclean separators or stored, handled, or transported in unclean cans, or that has been produced, handled, separated, stored, or transported in violation of this act, and all other creams not coming within any of the three grades above established is hereby declared to be illegal, and its production, transportation, and sale for human food is hereby prohibited. Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor and punished as provided by law.

MILK FAT OR BUTTER FAT.

1. Milk fat, butter fat, is the fat of milk, and has a Reichertmeissl number not less than 24 and a specific gravity of not less than 0.905, 40° C.

BUTTER.

1. Butter is the clean, nonrancid product made by gathering in any manner the fat of fresh or ripened milk or cream into a mass, which also contains a small portion of the other milk constituents, with or without salt, and contains not less than 82.5 per cent of milk fat, and may also contain added coloring matter.

2. Renovated butter, process butter, is the product made by melting butter and reworking, without the addition or use of chemicals or any substance except milk, cream, or salt, and contains not more than 16 per cent of water and at least 82.5 per cent of milk fat.

CHEESE.

1. Cheese is the sound, solid, and ripened product made from milk or cream by coagulating the casein thereof with rennet or lactic acid, with or without the addition of ripening ferments and seasoning, and contains in the water-free substance not less than 50 per cent of milk fat, and may also contain added coloring matter.

2. Skim-milk cheese is the sound, solid, and ripened product made from skim milk by coagulating the casein thereof with rennet or lactic acid, with or without the addition of ripening ferments and seasoning.

3. Goat's milk cheese, ewe's milk cheese, etc., are the sound, ripened products made from the milks of the animals specified by coagulating the casein thereof with rennet or lactic acid, with or without the addition of ripening ferments and seasoning.

MISCELLANEOUS MILK PRODUCTS.

1. Whey is the product remaining after the removal of fat and casein from milk in the process of cheese making.

2. Kumiss is the product made by the alcoholic fermentation of mare's or cow's milk.

The State dairy commissioner shall have the power and he is hereby authorized to adopt and promulgate revised standards of dairy products in this section mentioned: *Provided*, Such standards shall be in accordance with the standards now in force or which may hereafter be established and in force by the United States Department of Agriculture for such products, and shall have the approval of the State board of agriculture.

SEC. 14. *Use of adulterants and sale of unclean products prohibited.*—It shall be unlawful to sell, or offer or expose for sale anywhere in this State, any milk or cream containing any foreign substance, or preservative of any kind whatsoever, injurious to health, or shall [sic] sell or offer for sale or deliver to another for domestic or potable use or to be converted into any product for human food, any unclean, impure, adulterated, or unwholesome milk, or milk from which has been held back what is commonly known as trippings, or milk taken from any animal having tuberculosis, garget, or other contagious or infectious disease; or any animal afflicted with any ulcer, lump-jaw, abscess, or running sore; or milk that has been taken from any animal within 15 days before or 10 days after parturition, or from any animal that has been fed on any refuse from distilleries, glucose or starch factories, or other waste and refuse products, or upon any feed in a rotten or unwholesome state.

SEC. 15. *Penalty for interference with commissioner or his deputies, or for failure to conform to rules.*—Any person or persons, firm, or corporation who shall hinder or obstruct or in any manner interfere with the State dairy commissioner or his deputies while discharging the duties of inspection, or who shall refuse or fail to make the report provided for by this act, or who shall refuse or neglect to conform to the rules and regulations of the State dairy commissioner, which have been published as provided for herein, regarding the care or condition of any animal kept for dairy purposes or for the sanitary conditions of any building in which such animals are kept, or the sanitary condition of any room, building, or place where dairy products are kept,

either for storage or for the purpose of sale and distribution, or who shall in any other way obstruct or hinder said dairy commissioner from carrying out the full meaning and intent of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided by law.

SEC. 16. *Prosecutions, how instituted.*—All prosecutions for violation of the provisions of this act shall run in the name of the State of Missouri, and may be brought in any court of competent jurisdiction, and it shall be the duty of the prosecuting attorney of the county in which any violation of the provisions of this act may occur to proceed against and prosecute all such violator or violators in his county, and any prosecuting attorney who shall fail to promptly prosecute all such cases shall be deemed guilty of a misdemeanor and it shall be the duty of the circuit judge of the district in which such prosecuting attorney resides to appoint some member of the bar in such district to prosecute such prosecuting attorney therefor, and to suspend such prosecuting attorney from office.

SEC. 17. *Must label cheese "not full cream cheese."*—No person or persons, corporation, company, or other association or congregation of individuals shall manufacture, sell, or offer for sale, directly or indirectly, at retail or at wholesale in this State any article to be known or denominated cheese, not made from pure cream or unskimmed milk or cream of the milk, unless such person, or persons, corporation, company, or association of individuals manufacturing the same, or offering the same for sale, or selling the same, shall brand or label such cheese or articles so offered for sale denominated a cheese with black letters not less than 1 inch in length in a conspicuous place and of large size in the English language, as follows: "Skimmed milk cheese," or with the words "not full cream cheese," giving the true name of such article called cheese so manufactured or offered for sale, clearly and indelibly branded, marked or labeled thereon, so that the same can be distinctly read and fully comprehended, at all stores or places or factories where the same may be offered for sale.

SEC. 18. *Cheese must contain 3 per cent butter fat.*—All cheese manufactured, sold, or offered for sale in this State at retail or wholesale made from milk or cream of the same which tests not less than 3 per cent of butter fat, shall be deemed to be full cream cheese; and all cheese manufactured, sold, or offered for sale at any place or in any manner by any person or persons in this State at retail or wholesale made from milk or cream of the same testing less than 3 per cent of butter fat shall be deemed "skimmed milk cheese," or cheese not made from pure unskimmed, unadulterated milk or cream of the same.

SEC. 19. *Shipments of "skimmed milk cheese" must be so labeled.*—No person by himself or another shall ship, consign, or forward by any common carrier, whether public or private, any substance designed to be used as cheese not made from pure, unskimmed milk or cream of the same, testing at least 3 per cent butter fat, unless such cheese is marked or labeled "skimmed milk cheese," or with the words "not full cream cheese" labeled thereon, or labeled as in this act hereinafter prescribed.

SEC. 20. *State board of agriculture to cooperate.*—It shall be the duty of the State board of agriculture and each member thereof to cooperate with the State dairy commissioner in the enforcement of this act, and to inform the State dairy commissioner of all violations of the provisions of this act of which they may have knowledge.

SEC. 21. *Certificate of analysis evidence of fact.*—Certificate of analysis of any dairy product or adulteration thereof, in this act mentioned, when duly signed by the chemist of the State food and drug department making the analysis and acknowledged before any person authorized to administer oath,

shall be received in the courts of this State as prima facie evidence of the facts stated therein in all civil actions under this act.

SEC. 22. *False application for license a felony.*—Every application for license under any of the provisions of this act shall be signed and sworn to by the applicant, his or its authorized agent, any any person who shall willfully or knowingly make any false statement in any such application shall be deemed guilty of a felony, and upon conviction thereof shall be punished as provided by law.

SEC. 23. *False testimony a felony.*—Any person who under oath shall give any false testimony at any hearing conducted by the State dairy commissioner or any of his deputies, as in this act provided, shall be deemed guilty of a felony, and upon conviction thereof punished as provided by law.

SEC. 27. *Fees.*—All fees collected by the State dairy commissioner or his deputies under the provisions of this act shall be turned into the State treasury for the general revenue fund.

SEC. 28. *Penalties.*—Any person who shall violate any of the provisions of this act for which no other punishment is prescribed shall be deemed guilty of a misdemeanor, and upon conviction thereof be punished as provided by law.

SEC. 29. *Repealing inconsistent acts.*—That sections 631, 632, 633, 634, 635, 636, 637, 638, 639, 641, and 642 of article 4 of chapter 4, Revised Statutes of Missouri, 1909, and all other acts or parts of acts inconsistent with the provisions of this act, be, and the same are hereby, repealed.

Bakeries, Hotels, Restaurants, Lunch Counters, and Confectioneries—Employment of Diseased Persons Prohibited—Inspection of Bakeries. (Act May 21, 1919.)

SECTION 1. *Repealing certain sections and enacting new sections in lieu thereof.*—That sections 7862, 7866, 7868, 7869, and 7870 of article 9, chapter 67, Revised Statutes of Missouri, 1909, be and the same are hereby repealed and four new sections relating to the same subject matter enacted in lieu thereof, to be numbered and known as sections 7866, 7868, 7869, and 7870, to read as follows:

SEC. 7866. *Diseased persons not to work in bakeries.*—No employer shall knowingly require, permit, or suffer any person to work in or about his bakery, hotel, restaurant, lunch counter, or confectionery shop who is affected with tuberculosis, scrofula, or any venereal disease, or with a communicable skin affection, and every person is hereby required to keep himself in a clean and sanitary condition while engaged in the manufacturing or handling of such products, and such employer shall at his own expense, on the demand of the industrial inspector, or his assistant, or deputy, furnish such inspector with the certificate of a reputable and competent physician as to the state of health of any of his employees.

SEC. 7868. *Penalty.*—Any person who violates any of the provisions of this article or refuses to comply with the requirements thereof shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by a fine of not less than \$10 and not more than \$100, or imprisonment in the county jail not less than one month, or by both such fine and imprisonment. Whenever the industrial inspector, or one of his assistants or deputies, finds that any of the provisions of this article are being violated in such a manner as to render the condition of any bakery or confectionary establishment, or any part thereof,

unclean or insanitary or the product thereof unhealthful, he shall at once, in writing, order the owner or owners or the person or persons in charge thereof to remedy said condition within three days; and if such condition be not remedied within three days from the date of said order, he may, at a place in said bakery or confectionery establishment to be selected by him, where it may be seen by the public, place a notice printed in large letters bearing the words, "This bakery is unclean. State industrial inspector. By-----," which notice shall be signed by the inspector, his assistant, or deputy, and shall remain where so placed until removed by his order.

SEC. 7869. *Duty of industrial inspector.*—It shall be the duty of the industrial inspector or his deputy to inspect each bakeshop at least twice every 12 months and for each inspection he may receive a fee of not exceeding \$1; he may make such additional inspections as conditions may seem to require, but he shall not be entitled to any fee for such additional inspection. It shall be his duty to see that the provisions of this article are carried into effect, and it is hereby made the duty of the prosecuting attorney of each county or city in this State to lend all possible aid in all prosecutions for violation of any of the provisions of this article.

SEC. 7870. *Law to be posted.*—A copy of this article shall be furnished by the industrial inspector and be kept conspicuously posted in every bakeshop or confectionery establishment in this State.

Places Where Food or Medicine Is Manufactured, Prepared, or Sold—Closing When a Menace to the Public Health. (Act June 7, 1919.)

SECTION 1. *Duties of food and drug commissioner defined.*—It shall be the duty of the State food and drug commissioner, and he is hereby authorized and empowered, to close any market-place, grocery store, general store, bakery, confectionery, butchershop, slaughterhouse, dining car, refrigerator car, cold-storage plant or warehouse, hotel dining room or kitchen, café, restaurant, lunch counter, drug store, or any other place, or places, where articles or commodities intended for human food, or for human consumption as medicine, are manufactured, sold, stored or prepared for sale, or wherever food and drink is served, where such places shall, in the judgment of the State food and drug commissioner, constitute a menace to the public health by reason of dirt, filth, or other insanitary cause.

SEC. 2. *Menace to public health.*—Any order issued by the State food and drug commissioner for the closing of any place or places mentioned in section 1 of this act shall specify the cause or causes for which such order was issued and the time during which same shall be in effect. The State food and drug commissioner shall revoke such order before the time specified therein for its expiration, provided that the cause for which such order was issued is removed, and if the State food and drug commissioner is satisfied that such place or places may be reopened without endangering the public health.

SEC. 3. *Deputy and inspectors vested with authority of commissioner.*—Any duty by this act imposed upon the State food and drug commissioner may, with equal force and authority, be performed by any deputy State food and drug commissioner or any inspector of the State food and drug department, as directed by the State food and drug commissioner.

SEC. 4. *Definition of the word "close."*—The word "close," as used in this act, shall be construed to mean a suspension of business, and it shall be unlawful for the proprietor, manager, or person having charge of any place mentioned in section 1 of this act to transact any business in violation of any order of the food and drug commissioner closing same.

SEC. 5. —*Liability of common carrier.*—It shall be unlawful for any common carrier to, in any manner, make use, or permit the use, of any dining car, café car, kitchen car, or refrigerator car in violation of any order of the food and drug commissioner requiring the closing and discontinuance of any such car.

SEC. 6. "*Closed*" car to be placed on siding.—Whenever the State food and drug commissioner shall issue an order closing any dining car, café car, kitchen car, or refrigerator car in this act referred to, same shall be placed upon a siding until the cause or causes for which it was ordered closed have been removed and an order of the State food and drug commissioner canceling such closing order has been issued.

SEC. 7. *Penalty for violation.*—Any person who shall fail, or refuse to obey any order of the State food and drug commissioner to close any place or places mentioned in section 1 of this act, or who shall exhibit or expose for sale in any show window upon any sidewalk, any vegetables or other articles or commodities whatsoever intended for human food, in violation of any order of the food and drug commissioner or who shall in any way resist or interfere with the State food and drug commissioner in the enforcement of this act or any order of the State food and drug commissioner made pursuant to the authority of this act shall be deemed guilty of a misdemeanor.

Food—Misbranding. (Act May 26, 1919.)

[SECTION 1.] *Repealing and reenacting section 6598.*—Section 6598, article 1, chapter 50, of the Revised Statutes of Missouri, 1909, be and the same is hereby repealed, and a new section enacted in lieu thereof, to be known as section 6598, which shall read as follows:

SEC. 6598. *Id.; Food.*—In the case of food as herein defined, an article shall also be deemed to be misbranded;

1. If it is an imitation of, or is offered for sale or sold under the distinctive name of another article.

2. If it be labeled or branded, tagged, stenciled or marked so as to deceive the purchaser, or purport to be a foreign product when not so.

3. If the contents of the package as originally put up shall have been removed in whole, or in part, and other contents shall have been placed in such package.

4. If it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, heroin, cocaine, eucaine, (alpha or beeta), chloroform, cannabis indica, chloral hydrate, acetanilid, or any derivative or preparation of any such substance contained therein.

5. If in package form and the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count: *Provided, however,* That reasonable variations as to small packages shall be established by rulings and regulations made by the State food and drug commissioner, as provided by section 6609, chapter 50, article 2, of the Revised Statutes of the State of Missouri, 1909.

6. If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, device, or design shall be false or misleading in any particular: *Provided,* That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed misbranded in the following cases, viz: (1) In the case of mixtures of [or?] compounds which may now, or from time to time hereafter, be known as articles of food under their own

distinctive names and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the factory or place where said article has been manufactured or produced. (2) In the case of articles labeled, branded, stenciled, or tagged so as to plainly indicate that they are mixtures, compounds, imitations, or blends, and the word "mixture," "compound," "imitation," or "blend," as the case may be, is plainly stated on the package or container in which they are offered for sale: *Provided*, That the term "blend," as used herein, shall be construed to be a mixture of like substances, not excluding harmless coloring and flavoring ingredients used for the purpose of coloring and flavoring only: *And provided further*, That nothing in this article shall be construed as requiring or compelling manufacturers of proprietary foods, which contain no unwholesome ingredient, or substance added to increase the bulk or weight of the finished product, to disclose their trade formulas, except in so far as the provisions of this article may require to secure freedom from adulteration or misbranding.

7. If in the case of articles which are mixtures, compounds, imitations, or blends, the word "mixture," "compound," "imitation," or "blend" be not plainly stated on the package or container in which they are offered for sale.

Food and Drugs—Adulteration or Misbranding—Penalty. (Act May 12, 1919.)

SECTION 1. *Relating to adulteration or misbranding of food or drugs.*—That section 6805, article 2, chapter 50, Revised Statutes of the State of Missouri, 1909, be, and the same is hereby, amended, by striking out of said section all that part of said section after the word "drug" in the fifteenth line thereof, so that said section, as amended, shall read as follows:

SEC. 6805. Penalties.—Any person, firm, association, or corporation who shall, within this State, manufacture or produce, offer or expose for sale, or shall sell or deliver, or have in his or their possession with intent to sell, any drug or food as defined in this article, which is adulterated or misbranded within the meaning of this article, or who shall fail or refuse, upon the application of a proper person, and the tender to him of the value thereof, to deliver to such person a sample, sufficient for analysis, of any drug [or] article of food in his or their possession, as required by this article, or who shall violate any of the provisions of this article, shall be guilty of a misdemeanor, and upon conviction thereof, be punished for every such offense by a fine of not less than \$10 nor more than \$500, or by imprisonment in the county jail not to exceed six months, or both such fine and imprisonment, and shall, in addition, be adjudged to pay all costs and expenses incurred in inspecting and analyzing such food or drug.

Drugs—Misbranding. (Act May 29, 1919.)

[SECTION 1.] *Repealing and reenacting section 6597.*—That section 6597, article 1, chapter 50, Revised Statutes of Missouri, is hereby repealed and a new section enacted in lieu thereof to read as follows:

SEC. 6597. *Id.*; drugs.—In case of drugs, an article shall also be deemed to be misbranded:

1. If it be an imitation of, or offered for sale under the name of, another article.

2. If the contents of the package, as originally put up shall have been removed in whole or in part, and other contents [contents] shall have been placed in such package.

3. If the package fails to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, heroin, cocaine, eucaine (alpha or beta), chloroform, cannabis indica, chloral hydrates [sic], acetanilid or any derivative or preparation of any [such] substance contained therein: *Provided*, That subdivision 3 of this section shall not apply to any drug prepared or sold on the prescription of a duly licensed physician, or prepared by a duly licensed pharmacist for immediate sale upon an order therefor.

4. If its package or label shall bear or contain any statement, design, or device regarding the curative or therapeutic effect of such article, or any of the ingredients or substances contained therein, which is false and fraudulent.

Eggs—Handling and Sale. Egg-Breaking Establishments—Permits. (Act May 26, 1919.)

SECTION 1. *Unwholesome eggs.*—It shall be unlawful to ship or otherwise dispose of for manufacturing purposes or for food, in any kind of a container or in any other manner, any egg or collection of eggs [sic], or any eggs known as yolks stuck to the shell, heavy blood rings, partially hatched, moldy eggs, black spots, black rots, or any other eggs of an unwholesome nature, unless the same are cased and labeled, or broken in the shells and then denatured so as to render them unfit for human food. All eggs either in the shell, or broken as described in this section, not fit for human food, may be shipped to tanners under seal, for manufacturing purposes only.

SEC. 2. *Not to be sold for food purposes.*—Eggs, exclusive of the above-named varieties, which are not intended for sale to the trade in shell form, are hereby declared to be "breaking stock." "Breaking stock" when packed in cases, sealed with proper identifying strips that have been approved by the State food and drug commissioner, may be shipped to licensed egg-breaking establishments. Brokers and commission men or ordinary receivers of eggs, who have eggs shipped to them in these breaking stock identified cases, may break the seal and examine the stock, but they must reseal the identifying strip where it is cut with another identifying strip which carries their name and address, and the date upon which they inspected the eggs. They will be held responsible for any tampering with the contents of the identified cases. It shall be unlawful for any person, firm, or corporation to have in his or its possession with intent to place them on the market for food purposes, eggs known as yolks stuck to the shell, heavy blood rings, partially hatched, moldy eggs, black spots, black rots, or any unwholesome eggs, unless the same are cased and labeled or broken in the shell and then denatured so as to render them unfit for human food.

SEC. 3. *Inspection authorized; license fee fixed.*—All persons, firms, or corporations who engage in the business of removing eggs from their shells in the manufacture of frozen, liquid, desiccated, or any form or [of] whole eggs, yolks, whites, or any mixture of yolks and whites, for food or manufacturing purposes, whether [with or] without the addition of any other ingredients, shall, before engaging in such business, apply to the State food and drug commissioner for the inspection to be made of his establishment. Thereupon, the State food and drug commissioner, or duly authorized inspectors, shall inspect the establishment and equipment of said egg-breaking establishment, and they shall also ascertain if said establishment complies in method and equipment with the sanitary laws of this State and the rules and regulations that from time to time shall be made and established by the State food and drug commissioner for the regulation of these establishments. If, after such inspection, it shall appear that the said establishment complies with the provisions of

the sanitary law [s] and the rules and regulations governing egg-breaking establishments, then, upon payment to the State food and drug commissioner of an inspection fee of \$50, he shall issue a permit to the person, firm, or corporation to conduct such establishment. All inspection fees under this act shall be paid into the State treasury. Such permits shall begin on January 1 and expire on December 31 of each year, and the inspection fee shall be prorated for the first year for every person, firm, or corporation engaging in the business for the remainder of the year; and any person or persons engaging in business between January 1 and April 1, shall pay an annual inspection fee of \$50; after April 1 and before July 1 an inspection fee of \$37.50; after July 1 and before October 1, an inspection fee of \$25; after October 1 an inspection fee of \$12.50. Every permit shall be posted in a conspicuous place in the office or establishment of any person or persons holding such permit.

SEC. 4. *Egg-breaking or manufacturing establishments regulated, how.*—Every egg-breaking or manufacturing establishment when it has received its permit shall be furnished with an identifying establishment number. Said number shall be included as a part of the proper labeling of all cans, cases, or other receptacles in which eggs, whole, frozen, or desiccated, or egg products are offered for sale. The form and manner of placing said number on containers shall be under the rules and regulations promulgated by the State food and drug commissioner.

SEC. 5. *Penalty.*—Any person or persons who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor.

Eggs—Sale—Candling—Licensing of Dealers. (Act May 26, 1919.)

SECTION 1. *Eggs unfit for human food, when.*—That no person, firm, or corporation shall sell, or have in his possession with intent to sell, offer, or expose for sale, or traffic in, any egg unfit for human food, unless the same is broken in shell and then denatured so that it can not be used for human food. For the purposes of this act an egg shall be deemed unfit for human food if it be addled or moldy, a black rot, a white rot, or a blood ring; or if it has an adherent yolk, or a bloody or green white; or if it be incubated beyond the blood-ring state; or if it consist in whole or in part of a filthy, decomposed, or putrid substance.

SEC. 2. *Regulation of traffic; definition of terms.*—That no person, firm, or corporation shall in buying or selling eggs take or give a greater or less dockage for eggs unfit for food as defined in section 1 of this act than the actual dockage which has been determined by the careful candling of the eggs so purchased or sold, and he shall keep such candling records as may be required by the rules and regulations of the State food and drug commission. All such records shall be open at all reasonable times for examination by the State food and drug commissioner or inspectors of the State food and drug department. The term "candling" as used herein shall be construed to mean the careful examination, in a partially dark room or place, of the whole egg by means of a strong light, the apparatus and method employed to be such as shall be approved by the State food and drug commissioner. Every person, firm, or corporation engaged in the business of buying eggs in this State for resale or consignment shall provide and maintain an adequate place for the accurate candling of eggs and a suitable place for the proper handling of eggs which are intended to be used for human food.

SEC. 3. *Candling certificate required.*—That there shall be placed on the top layer under the top flat [flap] of every case of candled eggs by the person candling the same a candling certificate. Such candling certificate shall be

printed on cards or sheets of paper not smaller in size than 2½ by 4¼ inches, and shall give the date of candling the eggs and the name of the State and the license number of the person, firm, or corporation for which the eggs were candled.

SEC. 4. Dealers must be licensed; how procured.—That for the purpose of enforcing the provisions of this act it is hereby required that 10 days after this act takes effect any person, firm, or corporation that shall engage in the business of buying, selling, dealing in, or trading in eggs, including those retailers who buy direct from the producer and who sell in lots of one case or more, shall procure a license from the State food and drug commissioner to conduct such business. Such officer, upon receipt of proper application upon forms such as he may prescribe, accompanied by an annual license fee of \$2 for a person, firm, or corporation that shall engage in the business of buying, selling, dealing in, or trading in eggs in lots of less than one carload, shall thereupon issue to such person, firm, or corporation an annual license to engage in such business; and such person [officer], upon receipt of a proper application upon forms such as he may prescribe, accompanied by a license fee of \$10 for a person, firm, or corporation that shall engage in the business of buying, selling, dealing in, or trading in eggs in lots of one carload or more, shall thereupon issue to such person, firm, or corporation an annual license to engage in such business.

SEC. 5. State food and drug commissioner shall formulate and enforce rules.—That the State food and drug commissioner shall enforce the provisions of this act and shall make suitable rules and regulations for carrying out its provisions. He shall determine the conditions under which eggs previously candled shall be recandled before sale in order to safeguard the purchaser against buying as a part of a lot eggs unfit for human food.

SEC. 6. Penalties.—That any person, firm, or corporation failing to comply with the requirements of or violating any of the provisions of this act shall be guilty of a misdemeanor, and shall, upon conviction, for the first offense be fined not less than \$15 nor more than \$50. For the second offense he shall be fined not less than \$50 nor more than \$100, and for the third or any subsequent offense he shall be fined not less than \$100 nor more than \$200; and in addition to such fines, in the discretion of the court, for the first offense his license may be suspended for not more than 30 days, for the second offense not more than 60 days, and for the third or any subsequent offense his license may be revoked.

SEC. 7. Words to fit the case.—That the words used in this act shall be construed to import the plural or singular, as the case demands.

Ice Cream—Manufacture and Sale. State Food and Drug Commissioner, Deputy Commissioner, and Inspectors—Terms of Office, Duties, and Compensation. (Act May 26, 1919.)

SECTION 1. Defining ice cream.—That ice cream is a dairy product and a frozen mixture made of milk and cream or the products thereof; with sugar, stiffeners, flavors or extracts, and with or without certified coloring and containing not less than 8 per cent milk fat. Ice cream, as in this section defined, and the various ingredients thereof, shall be free from filth, manure or other harmful or disease-bearing germs, or any element, ingredient, or constituent deleterious to health. The manufacture or sale in this State of ice cream having a milk fat content less than required by this act, or containing any filth, manure, or other harmful or disease-bearing germs, or any element, ingredient or constituent deleterious to health, shall be unlawful.

SEC. 2. Manufacture under permit.—After the taking effect of this act it shall be unlawful to make, manufacture, or in any manner produce any ice cream

without first obtaining a permit from the State food and drug commissioner as in this act required. This act shall not be construed to prohibit the resale of ice cream by persons purchasing the same from any lawful holder of such permit, or to prohibit the sale of ice cream by persons purchasing the same from any manufacturer in any other State, whose factory, plant, building, premises, equipment, and method of conducting business conforms to the schedule adopted under authority of this act for inspecting and grading ice cream factories, plants, buildings, premises, equipment, and method of conducting business.

SEC. 3. Permit shall be displayed; how issued.—Every permit herein required shall, during the period for which same is issued, be conspicuously displayed in the office or place of business of the legal holder thereof. Applications for such permit shall be made to the State food and drug commissioner on a blank prescribed by him for that purpose, accompanied by the State treasurer's receipt for the fee required by law. Such permits shall expire on the 30th day of June next following day of issuance thereof. Before issuing any permit, as herein authorized, the State food and drug commissioner, one of his deputies or inspectors, shall inspect and grade the factory, plant, premises, buildings, equipment, and method of conducting the business of the applicant, and no permit shall be issued unless same shall score at least 50 points on the method employed, and 25 points on the equipment used, in accordance with any schedule which may hereafter be adopted as authorized by section 5 of this act, for the inspection and grading of ice cream factories, plants, buildings, premises, equipment, and method of conducting business.

SEC. 4. Annual fee required of dealers.—Each wholesale manufacturer of ice cream shall pay an annual fee of \$100 for a permit to conduct his business, and each retail manufacturer of ice cream shall pay an annual fee of \$5 for a permit to conduct his business. Such fees shall be paid into the State treasury, and there constitute a fund to be known as the "ice cream inspection fund" and shall, as authorized by the general assembly, be used by the State food and drug commissioner, for the purpose of defraying the expenses necessary and incident to the enforcement of this act, and for no other purpose. For the purpose of this act, the term "wholesale manufacturer" shall include every manufacturer of ice cream who sells at wholesale for resale, and the term "retail manufacturer" shall include every manufacturer who manufactures and sells ice cream at retail: *Provided*, That nothing in this act contained shall be so construed as to require a permit to authorize persons or committees not otherwise engaged in the manufacture of ice cream to manufacture and make ice cream for their own use or for the purpose of sale at picnics, church socials, or other entertainments of like character; or to require a permit to authorize persons to make or manufacture ice cream in any city, or town, in this State which now has, or may hereafter have, a population of less than 2,000, and whose manufacturing operations, and whose factories or premises, are, or will be, subject to inspection by the State food and drug commissioner or any other State official under any law now or hereafter in force in this State.

SEC. 5. State food and drug commissioner to grade and regulate factories.—That the State food and drug commissioner shall have power, and he is hereby, authorized to adopt a schedule for grading factories, plants, buildings, premises, equipment, and method of conducting the business of ice cream manufacturers: *Provided*, That, in the event of the adoption by the United States Department of Agriculture of a schedule for grading such factories, plants, buildings, premises, equipment, and method of conducting the business of ice cream manufacturers, the State food and drug commissioner may adopt the same, with such supplemental schedule not in conflict with that adopted by the

United States Department of Agriculture as in the judgment of the State food and drug commissioner may be necessary for the effectual enforcement of this act.

SEC. 6. *Samples for testing to be furnished on request.*—It shall be the duty of every person, firm, company, copartnership, or corporation to whom this act applies, at the request of the State food and drug commissioner, to furnish such samples of ice cream as the State food and drug commissioner may require for the purpose of analysis. Every such sample shall be taken from an unbroken package, or at the factory or plant where manufactured or produced, and one-half thereof shall, under the seal of the State food and drug commissioner, be kept, packed in salt and ice and frozen, and in that condition, without unnecessary delay, delivered to the manufacturer at his office or place of business, or, if such manufacturer has no office or place of business in this State, to the person from whom taken, and the remaining half of such sample shall be retained by the State food and drug commissioner and immediately placed in a sealed container, under his seal, and kept, packed, and frozen in ice and salt until a test or analysis thereof can be made. All tests or analyses of such samples shall be made in the district where taken by some chemist approved by the State food and drug commissioner.

SEC. 7. *State divided into three inspection districts.*—For the effectual administration and enforcement of this law, the State food and drug commissioner shall divide the State into three districts, as nearly equal in area as practicable, transportation facilities and the work to be performed in each of such districts considered, and shall assign to each of such districts a deputy or an inspector of the food and drug department whose duty it shall be, under the direction of the State food and drug commissioner, to aid in the enforcement of this act, and who shall possess and exercise the powers and duties of the State food and drug commissioner as he shall direct.

SEC. 8. *Must conform to fixed standard.*—It shall be unlawful for any person, firm, copartnership, association, or corporation to whom or to which this act applies to manufacture, sell, or offer for sale in this State any frozen mixture, as, or for, ice cream which does not conform to the standard prescribed in section 1 of this act.

SEC. 9. *Penalty for violation.*—Whoever shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by imprisonment in the county jail for a period of not exceeding 30 days, or by a fine of not less than \$25 or more than \$300, or by both such fine and imprisonment.

SEC. 10. *Term and duties of commissioner and his deputy; inspectors; duties, tenure, etc.*—The term of office of the State food and drug commissioner shall expire on the 1st day of June, 1923, and thereafter the official term of the State food and drug commissioner shall be four years. The State food and drug commissioner shall have and exercise general supervision of enforcement of the food and drug laws of this State and direct the work of his deputy and the inspectors of his department. The tenure of office of the deputy food and drug commissioner shall be the same as that of the State food and drug commissioner. The inspectors of the food and drug department shall hold office during the pleasure of the State food and drug commissioner. The State food and drug commissioner, his deputy, and inspectors, respectively, shall have and receive the salaries now or hereafter fixed by law, and in addition thereto shall be reimbursed for expenses incurred while traveling in the necessary performance of official duty within or without this State, and the State food and drug commissioner, his deputy, or any inspectors designated by him,

shall be entitled to reimbursement for expenses incurred in attendance upon any meeting of food and drug officials held anywhere in the United States.

SEC. 11. *General revenue.*—All moneys collected by the State food and drug commissioner, his deputy, or inspectors shall be paid into the State treasury, there to constitute a part of the general revenue fund. The State auditor is hereby directed to issue his warrant monthly upon the State treasurer for the payment of the salaries and expenses of the State food and drug commissioner, his deputy, and inspectors. A detailed statement of the expenses incurred by the State food and drug commissioner, his deputy, and inspectors, approved by the State food and drug commissioner, shall be filed with the State auditor before warrant is drawn for the payment of same by the State auditor.

Drinking Water—Analysis by State Board of Health. (Act May 24, 1919.)

SECTION 1. *Board of health to make rules and regulations to insure quality of drinking water.*—The State board of health shall make and enforce adequate rules and regulations for the maintenance of a safe quality of water dispensed to the public and for the collection of samples and analysis of water, either natural or treated, furnished by municipalities, corporations, companies, or individuals to the public, and shall fix the fees for any service rendered under the rules and regulations to cover the cost of the service.

SEC. 2. *Analysis, fees.*—The analysis of all waters required by this act shall be made at the State board of health laboratories at Jefferson City, Mo. The fees collected by the State board of health under this act shall be turned over to the State Treasurer, who shall place them in a special fund to be known as the State board of health water and sewage fund, and as much as is necessary of this fund shall be used for maintaining the division of the State board of health to be known as the division of water and sewage, and said fund is hereby approved for said purpose, and the State auditor shall draw his warrant for claims against this fund after such claims have been approved by the secretary of the State board of health: *Provided*, No fees under this section shall be paid by any city or municipality except when the waterworks is owned and operated by said city or municipality.

SEC. 3. *Information to be furnished; approval of supplies.*—On or before January 1, 1920, every municipal corporation, private corporation, company, or individual supplying or authorized to supply water to the public within the State shall file with the State board of health a certified copy of the plans and surveys of the waterworks with a description of the methods of purification and of the source from which the supply of water is derived, and no additional source of supply shall thereafter be used without a written permit of approval from the State board of health, and no new supplies shall be established or dispensed to the public without first obtaining such written permit of approval. Whenever an investigation of any water supply, plant, or methods used shall be undertaken by the State board of health, it shall be the duty of the municipality, corporation, company, institution, or person having in charge the water supply under investigation to furnish on demand to the State board of health such information as that body considers necessary to determine the sanitary quality of the water being dispensed. Approval of new water supplies for municipalities must necessarily involve consideration of sewage provisions for safety to the public health.

SEC. 3a. *Shall not apply in certain cities.*—Nothing in this act shall apply to the municipal water supply in cities in which a constant supervision of the said city water supply to insure a safe quality of water dispensed, is conducted by or is acceptable to the city department of health of that city.

SEC. 4. Penalty for noncompliance.—That every corporation, railway, common carrier, company, or individual that shall fail to comply with the regulations prescribed by the State board of health under this act shall be guilty of a misdemeanor.

Diseased Animals—Appraisal and Slaughter—Payment of Indemnity to Owner. (Act May 13, 1919.)

SECTION 1. Owners of diseased stock may appear before court, etc.—That section 713 of article 9, chapter 4, of the Revised Statutes of Missouri, 1909, relating to owners of diseased stock appearing before county courts, courts of criminal jurisdiction, or other courts, to present evidence why animals in quarantine affected with glanders, farcy, maladie du coit (horse syphilis), contagious pleuropneumonia, rinderpest, tuberculosis, or foot-and-mouth diseases should be slaughtered and compensation granted; and also section 714 of an act² of the forty-eighth general assembly approved March 24, 1915, and found in the laws of 1915 at pages 97 and 98, entitled "An act to repeal sections 714 and 726, article 9, chapter 4, Revised Statutes of Missouri, 1909, entitled 'State veterinarian' and to enact two new sections in lieu thereof to be known as sections 714 and 726, with an emergency clause," be, and the same are hereby, repealed, and the following 10 new sections to be known as sections 713, 714, 714a, 714b, 714c, 714d, 714e, 714f, 714g, and 714h are enacted in lieu thereof.

SEC. 713. Owner of quarantined stock may have same appraised.—It shall be lawful for any citizen of Missouri who shall (a) own horses or mules affected with glanders or dourine, or (b) neat cattle affected with tuberculosis, or (c) neat cattle, hogs, sheep, or goats, affected with foot-and-mouth disease, contagious pleuropneumonia, or rinderpest, and who shall have the same in quarantine under this article on account of either of said diseases, to have same appraised and to receive indemnity therefor as hereinafter provided: *Provided*, That in this act when the word board is used it shall be understood to refer to the Missouri State Board of Agriculture, and when the word secretary is used it shall be understood to refer to the secretary of the Missouri State Board of Agriculture, and when any matter of quarantine or indemnity shall arise or come within the jurisdiction of the city of St. Louis, the word county shall be construed to mean the city of St. Louis and the words county court shall be construed to mean the proper court or official of the city of St. Louis.

SEC. 714. Quarantined horses and mules appraised, how; slaughtered, how; carcasses disposed of, how.—It shall be lawful for the owner of any horses or mules, in quarantine by the State veterinarian or his deputy on account of being affected with glanders or dourine, to apply to the county court of the county in which such horses or mules are quarantined for the appraisement and slaughter of said diseased horses or mules. A county judge or duly appointed representative of the county court, with the owner, shall, as an appraising committee of two, appraise each affected horse or mule. If a county judge or the representative of the county court and the owner can not agree upon the value, a disinterested third party shall be called in and a majority decision shall be final as to appraisement. This appraisement shall be signed and certified by said appraisers to the county court of the county in which said horses or mules are located, and said court shall draw a warrant payable to the owner of such condemned horses or mules for one-half of the appraised value: *Provided*, That in no case shall more than \$25 be paid by any county court as indemnity on any one horse or mule: *And provided further*, That no

² Pub. Health Repts. Reprint 338, p. 331.

indemnity shall be paid by any county court for any horses or mules on account of glanders or dourine unless such horses or mules are appraised and killed within 30 days after being placed in quarantine by authority of the State veterinarian or his deputy. As soon as such horses or mules have been appraised the sheriff of such county shall forthwith kill such condemned horses or mules and the owner shall burn or bury the carcass or carcasses thereof, where quarantined, except that such carcass or carcasses may be delivered to a desiccating or rendering plant for final disposition without exposing other horses or mules to the disease.

Sec. 714a. Neat cattle, hogs, sheep, or goats affected with foot-and-mouth disease; shall be appraised and slaughtered; how; by whom.—Whenever any neat cattle, hogs, sheep, or goats, quarantined by the State veterinarian or his deputy in this State, affected with or exposed to foot-and-mouth disease, rinderpest, or contagious pleuropneumonia, or which in anywise are capable of communicating either of said diseases to other animals, said animals shall, as soon as they are appraised, be killed by the sheriff of the county in which said animals are located, or by the constable of the township in which said animals are located, or by a representative of said board, or by a representative of the United States Department of Agriculture, as the State veterinarian may elect, and all of said animals shall be deeply buried, and the carcasses thereof shall be thoroughly covered with quicklime or other effective disinfectant. The appraisal of said animals shall be made jointly by the owner and a representative of the said board, or by the owner and a representative of the United States Department of Agriculture when the Federal Government shall elect to so participate. In case of any disagreement a disinterested third party shall be called in and a majority decision as to the appraisal of such live stock shall be final. The representative of said board or the representative of the United States Department of Agriculture shall prepare an itemized statement of the appraisement in triplicate, one copy of which shall be presented to said secretary of said board. Said secretary shall certify a claim for one-half of said appraisement to the governor, which shall constitute a legal claim against the State of Missouri, and on approval of the governor the account shall be certified to the State auditor who shall issue his warrant therefor: *Provided*, That in no case shall the State pay more than is paid by the Federal Government for any animal or animals: *And provided further*, That no indemnity shall be paid by the State for any neat cattle, hogs, sheep, or goats affected with foot-and-mouth disease, rinderpest, or contagious pleuropneumonia, or exposed thereto, unless such animals are killed and buried forthwith after being quarantined and appraised. A careful account of the cost of the killing and burying and also the disinfecting of the premises shall be kept by a representative of said board or a representative of the United States Department of Agriculture, and one-half of the cost thereof shall be paid by the State on certificates of said secretary to the governor, and the governor shall approve and certify same to the State auditor who shall then issue his State warrant to the owner as payment.

SEC. 714b. Tubercular cattle to be marked and branded, how; owner may isolate for breeding purposes.—Neat cattle affected with tuberculosis and condemned and quarantined on account thereof by the State veterinarian or his deputy shall each be carefully identified and marked or branded, according to rules and regulations to be prescribed by said board, in such way and manner as to make certain of the identity of each of such diseased and condemned animals. The owner shall permit any representative of said board or any representative of the United States Department of Agriculture to so identify and mark or brand such animals. It shall be lawful for the owner to elect whether he will keep a part or all of his neat cattle affected with tuberculosis

in isolation for breeding purposes, or whether he will have a part or all of such diseased neat cattle appraised and slaughtered. Any owner who elects to keep or keeps tuberculous neat cattle for a period longer than 60 days after appraisal shall thereby waive all rights of indemnity. The State veterinarian is hereby empowered to permit, under his official supervision, the quarantining of such diseased animals in such way and method as will prevent the spread of tuberculosis to other animals, and, with the advice and consent of said board the State veterinarian may place a quarantine on any farm or ranch, at the request of any owner or group of owners of such diseased neat cattle, where such tuberculous neat cattle may be congregated and kept under quarantine for breeding purposes under the supervision of the State veterinarian, the expenses of which shall be prorated among the owners of said cattle kept thereon, without any liability whatsoever on the part of said board. All neat cattle for which indemnity is claimed by the owner shall be shipped under a legal permit in writing by the State veterinarian or his deputy if such animals are to be killed within this State, or under a permit in writing by a representative of the United States Department of Agriculture if such cattle are to be killed at a point outside of this State, and also such diseased cattle for which indemnity is claimed shall be slaughtered within 60 days after appraisal.

SEC. 714c, *Appraisement of condemned cattle under State and Federal cooperation.*—When the owner of any neat cattle, condemned under cooperation between said board and the United States Department of Agriculture, desires and elects to secure appraisement therefor and receive indemnity from the (a) county and (b) State and (c) the Federal Government, said tuberculous neat cattle shall be appraised as follows: A duly authorized agent of said board or a duly authorized agent of the United States Department of Agriculture, either, as the Federal authorities may elect, acting with the owner, shall jointly constitute an appraising committee. If such committee fail to reach an agreement a disinterested third party shall be called in and a majority decision shall be final. In making the appraisement each head of neat cattle shall be carefully appraised at its actual value, giving due consideration to breeding value as well as to dairy or meat value. A carefully itemized account of the appraisement of each individual head of such cattle shall be made out and (a) signed by the owner, (b) the representative of said board or a representative of the United States Department of Agriculture, and (c) by the third party when such third party is called upon to act as a joint appraiser. Said account shall be made out in triplicate and one copy shall be sent to the secretary of the board and one copy to the county court. Thereafter, such condemned cattle shall be sent to slaughter, and a report of the net proceeds derived from the sale of such diseased cattle shall be ascertained by said secretary and deducted from the appraised value thereof. When one-third of the difference between the appraised value of such condemned cattle and the salvage from the sale thereof is to be paid by the United States Department of Agriculture, then one-sixth of said difference between the appraisal and the salvage shall be charged and certified to the State of Missouri, and one-sixth of said difference between the appraisal and the salvage shall be charged and certified to the county court of the county in which the owner resides. The said secretary shall certify to the governor the amount to be paid by the State, which is one-sixth of the difference between the appraised value of such neat cattle and the salvage thereof, and this shall constitute a legal claim against the State, and the governor shall approve the same and indorse thereon his order to the State auditor for the payment thereof, and thereupon the State auditor shall issue his State warrant on the State treasurer therefor. Said secretary shall certify

one-sixth of the difference between the appraised value of said cattle and the salvage therefrom to the county clerk of the county in which the owner resides. Thereupon, the county court shall draw its warrant in favor of the said owner in said amount as certified to by said secretary to be due to said owner: *Provided*, That in no case shall the State and county pay in the aggregate more than \$25 on any one head of grade neat cattle, such sum to be equally divided between said State and county, nor more than \$50 on any one head of registered pure-bred neat cattle, such sum to be equally divided as aforesaid.

Sec. 714d. Appraisalment and slaughter of condemned cattle by owner and county court; how conducted.—When neat cattle are condemned on account of tuberculosis in this State, in cases not under State and Federal cooperation, and when the owner thereof elects to have any such cattle appraised and killed, a (a) representative of said board or, at the direction of said secretary, a member or representative of the county court in which such neat cattle are located, acting (b) with the owner thereof, shall constitute an appraising committee of two. In case of disagreement a disinterested third party shall be called in as a member of said appraising committee, and a majority vote of such committee as thus constituted shall determine the appraisalment of such neat cattle. In making the appraisalment each individual head of such cattle shall be appraised at its actual value, giving due consideration to breeding value, as well as to dairy or meat value. An itemized statement of the appraisalment of such animal or animals in each lot so appraised shall be prepared in duplicate and signed by each member of the appraising committee on blanks furnished for this purpose by said board, and one copy shall forthwith be forwarded to the secretary of said board and one copy to the county clerk of the county in which the owner resides. Thereafter such diseased cattle shall be sent to slaughter and a report of the net sum of the salvage thereof resulting from the sale of such cattle shall be ascertained by said secretary and deducted from the appraisalment of said cattle, and (a) the State and (b) the county in which the owner of said condemned cattle is a resident shall each pay a like amount, which shall be not to exceed one-third of the difference between the appraised value of said condemned cattle and the salvage thereof: *Provided*, That in no case shall either the State pay more than \$25 nor the county pay more than \$25 as indemnity on any one head of such grade neat cattle, nor shall the State pay more than \$50 nor shall the county pay more than \$50 on any one head of such registered pure-bred neat cattle. The said secretary shall certify (a) to the governor the amount due to the owner from the State and (b) to the county clerk of the proper county the amount due by said county. The county court of such county shall thereupon draw a warrant in favor of the owner for the sum certified by the secretary of said board. When said secretary shall have certified to the governor one-third of the difference between the appraised value of such neat cattle and the salvage thereof this shall constitute a legal claim against the State, and the governor shall approve same and indorse thereon his order to the State auditor for payment thereof, and thereupon the State auditor shall issue his State warrant on the State treasurer therefor.

Sec. 714e. Conditions under which no indemnity shall be paid.—Under the following conditions no indemnity shall be paid for horses or mules affected with glanders or dourine or neat cattle affected with tuberculosis: (a) Horses and mules brought into this State in a diseased condition, or (b) which became diseased through any willful neglect or scheming on the part of the proprietor, or (c) which were already in a diseased condition when they

came into possession of said proprietor, (d) or which came into this State in a diseased condition from any other State, (e) or which have been exposed to such diseases outside of the State within three months prior to their importation into this State, and (f) condemned animals which are not appraised and killed within 30 days after appraisal. No indemnity shall be paid for neat cattle affected with and quarantined on account of tuberculosis if such cattle became (a) diseased through any willful neglect or scheming on the part of the proprietor, or (b) which were already diseased when they came into the possession of said proprietor, or (c) which came into this State in a diseased condition from any other State or country, or (d) which have been exposed to said disease outside of this State within three months prior to their importation into this State: *It is furthermore provided*, That no indemnity whatsoever shall be paid by either the State or county for neat cattle condemned on account of tuberculosis unless the owner thereof cooperates with the State or Federal authorities in having all of the cattle owned by him tested for tuberculosis and by carrying out the disinfection of his premises according to official instructions, as far as necessary, to complete the eradication of the disease on his premises: *And provided further*, That no indemnity shall be paid for any registered pure-bred neat cattle purchased by the owner after this act goes into effect unless the owner has in his possession or can show that there has been issued to him a certificate of health from the seller, issued by an authorized agent of said board or the United States Department of Agriculture, showing said animals to be free from tuberculosis at the time of purchase. It shall be the duty of the State veterinarian or his deputy to ascertain which animals under quarantine are not appraisable for indemnity under this act and to record the tag numbers or description thereof upon such quarantine order and to plainly write the statement thereon that such animals are not subject to appraisement or indemnity: *Provided further*, That before said secretary of said board shall certify any indemnity claim to any county court or to the governor he shall be required to secure in writing the approval of such claim by the State veterinarian.

SEC. 714f. *Fees, how paid.*—Sheriffs, constables, county judges, or other county or city officers shall receive such fees and mileage for the performance of their duties under this act as are now allowed by law or may hereafter be [enacted], to be paid by the county. The expenses of the agents of said board shall be paid by the said board.

Diseased Animals—Sale Prohibited—Restraint. (Act May 22, 1919.)

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SEC. 4863. *Offering for sale or suffering diseased horse to run at large.*—That it shall be unlawful for any person to sell or offer for sale in this State any horse, mule, or ass affected with glanders, farcy, nasal gleet, or any snotty discharge from the nose, or any communicable disease whatsoever; or any cattle affected with tuberculosis, foot-and-mouth disease, or any other communicable disease; or any sheep affected with scabies or any other communicable disease; or to drive any of such infected animals upon the public highways; or to suffer any such infected animals to run at large on any common or unfenced lands in this State: *Provided*, That this section shall not be so construed as to prohibit the movement of such infected animals under conditions prescribed by the State veterinarian for the purpose of segregation or quarantine, or for immediate slaughter under State or Federal inspection.

* * * * *

Children—Employment in Certain Occupations Prohibited. (Act May 30, 1919.)

SECTION 1. *Repealing certain sections and enacting new ones.*—That sections 4741, 4742, and 4743 of the Revised Statutes of Missouri of 1909, relating to "Miscellaneous offenses," be, and the same are hereby, repealed and new sections to be known as sections 1726*l*, 1726*m*, 1726*n*, 1726*o*, and 1726*p* are hereby enacted in lieu thereof, as follows:

SEC. 1726*l*. *Employment of children in hazardous occupations prohibited; certain other places specified.*—No child under the age of 16 years shall be employed, permitted or suffered to work at or be engaged in any capacity in the operation of any power machinery or assisting therein in any capacity whatever, except in the operation of machinery used for agricultural purposes or in domestic service; nor shall any such child be employed, permitted, or suffered to work at or be engaged in or about or in connection with any mine or underground work; nor shall any such child be permitted or suffered to work, or be engaged in any capacity in, about, or in connection with the preparing of any composition in which dangerous or poisonous acids or alkalis are used; the manufacture of paints, colors, or white leads; dipping, drying, or packing matches; manufacturing, packing, or storing powder, dynamite, nitroglycerine compounds, fuses, or other explosives; * * * nor in operating or assisting in operating any machine used in picking wool, cotton, hair, or upholstering material; * * * nor any machine used in polishing or grinding any metal, * * *

SEC. 1726*n*. *Officers designated to enforce act.*—The State factory inspector, the State superintendent of schools, the probation officer of any juvenile court, the county superintendent of public welfare, and persons authorized by any of them, and every attendance and truant officer shall enforce the provisions of this act.

SEC. 1726*o*. *Misdemeanor.*—Any person, firm, or corporation employing any such minor contrary to the terms of this act shall upon conviction be adjudged guilty of a misdemeanor.

Places of Employment—Prevention of Dust, Smoke, and Gases—Overcrowding Prohibited—Maintenance of Proper Heating, Lighting, Ventilation, and Sanitary Arrangements. (Act May 26, 1919.)

SECTION 1. *Revising and amending article 6, chapter 67.*—Repealing certain sections and enacting new sections in lieu thereof. That sections 7827, 7828, 7830, 7839, 7840, 7841, and 7842, Article VI, chapter 67, Revised Statutes of Missouri, 1909, relating to the health and safety of employees, be, and the same are hereby, repealed, and seven new sections relating to the same subject matter enacted in lieu thereof, to be numbered and known as sections 7827, 7828, 7830, 7839, 7840, 7841, and 7842, to read as follows:

SEC. 7839. *Prevention of smoke, dust, and gas.*—Every person, firm, or corporation using any polishing wheel or machine of any character which generates dust, smoke or poisonous gases in its operation, shall provide each and every such wheel or machine with a hood, which shall be connected with a blower or suction fan of sufficient power to carry off said dust, smoke, and gases and prevent its inhalation by those employed about said wheel or machine; and any violation of this section is hereby declared to be a misdemeanor, and a

person, firm, or corporation so violating this section shall, upon conviction, be punished by a fine of not less than \$100 nor more than \$500 for each and every offense. It shall be the duty of the industrial inspector and his assistants and deputies to see that this section is enforced and to prosecute any violations thereof.

SEC. 7840. *Same subject.*—In all establishments in this State wherein labor is employed, where any process is carried on by which dust or smoke is generated, the industrial inspector and his assistants and deputies shall have the power and the authority to order that a fan or some other contrivance be put in to prevent the inhalation of such dust or smoke by employees.

SEC. 7841. *Overcrowding in factories prohibited.*—Where, in the opinion of the inspector, any establishment wherein labor is employed is so overcrowded with employees as to endanger health or safety, the industrial inspector, when supported in his opinion by the opinion of some reputable physician, shall be authorized and empowered to prohibit such overcrowding.

SEC. 7842. *Health and safety of factory employees to be guarded.*—Whenever the State industrial inspector, or one of his assistants or deputies, finds that the heating, lighting, ventilation, or sanitary arrangements of any establishment where labor is employed is such as to be dangerous to the health or safety of employees therein or thereat, * * * [he] shall at once, in writing, order the owner or owners, or the person or persons in charge of such establishment or place to make the alterations or additions necessary within 10 days; and if such alterations or additions be not made within 10 days from the date of such order, then such failure to make such alterations shall be deemed a violation of this article, and in addition to the penalties hereinafter prescribed for such violations, the inspector, or his assistant or deputy, shall be, and is hereby, empowered to, and he shall seal said defective appliance or appliances in such manner as to render the same inoperative until said order of the inspector has been complied with.

* * * * *

Factories and Workshops—Water-Closets or Privies Required—Ventilation—Prevention of Dust. (Act May 21, 1919.)

SECTION 1. *Amending certain sections.*—That sections 7856, 7857, 7858, 7859, and 7860 of article 8, chapter 67, Revised Statutes of Missouri, 1909, concerning sanitation and ventilation where five or more persons are employed, be and the same are hereby amended by striking out certain words therein and inserting in lieu thereof certain other words. Section 7856: Section 7856 shall be amended by striking out in the first and third lines the word "five" and inserting in lieu thereof, in each instance, the word "three." Section 7857: Section 7857 shall be amended by striking out in the first and third lines the word "five" and inserting in lieu thereof, in each instance, the word "three." Section 7858: Section 7858 shall be amended by striking out in the first and third lines the word "five" and by inserting in lieu thereof the word "three." Section 7859: Section 7859 shall be amended by striking out in the fourth line the words "an inspector of factories," and inserting in lieu thereof the words "the industrial inspector or his assistant or deputy." Section 7860: Section 7860 shall be amended by striking out in the sixth line the words "an inspector of factories," and inserting in lieu thereof the words, "the industrial inspector or his assistant or deputy." Said sections as amended shall read as follows:

SEC. 7856. *Factories to be kept clean.*—Every person employing three or more persons in a factory, or employing children, young persons, or women, three

or more in number, in a workshop, shall keep such factory or workshop in a clean state and free from effluvia from any drain, privy, or other nuisance.

SEC. 7857. *Closets to be provided.*—Every person employing three or more persons in a factory, or employing children, young persons, or women, three or more in number, in a workshop, shall provide with reasonable access, a sufficient number of proper water-closets, earth closets, or privies, for the reasonable use of all persons so employed; and wherever male and female persons are employed in the same factory or workshop, a sufficient number of separate and distinct water-closets, earth closets, or privies shall be provided for the use of each sex, and shall be plainly designated; and no person shall be allowed to use any such closet or privy assigned to persons of the other sex.

SEC. 7858. *Factories to be ventilated.*—Every factory in which three or more persons are employed, and every workshop in which children, young persons, or women, three or more in number, are employed shall be so ventilated while work is carried on therein that the air shall not become so exhausted as to be injurious to the health of the persons employed therein, and shall also be so ventilated as to render harmless, as far as is practicable, all the gases, vapors, dust, or other impurities generated in the course of the manufacturing process or handicraft carried on therein that may be injurious to health.

SEC. 7859. *Provisions against dust.*—If, in a factory or workshop included in section 7858 of this article, any process is carried on by which dust is generated and inhaled to an injurious extent by the persons employed therein, and it appears to the industrial inspector or his assistant or deputy that such inhalation could be to a great extent prevented by the use of a fan or other mechanical means, and that the same could be provided without excessive expense, such instructor may direct a fan or other mechanical means of a proper construction to be provided within a reasonable time, and such fan or other mechanical means shall be so provided, maintained, and used.

SEC. 7860. *Penalty for violation of article; prosecutions.*—Any person employing labor in a factory or workshop and violating any provisions of this article shall be deemed guilty of a misdemeanor and punished by a fine of not less than \$50 nor more than \$200; but no criminal prosecution shall be made for such violation until four weeks after notice in writing by the industrial inspector or his assistant or deputy of the change necessary to be made to comply with the provisions of this article has been sent by mail or delivered to such person, nor then, if in the meantime such changes have been made in accordance with such notification. A notice shall be a sufficient notice under this article to all the members of a firm, company, or corporation when given to one member of such firm or company or to the clerk, cashier, secretary, agent, or any other officer having charge of the business of such corporation or its attorney; and in case of a foreign corporation, notice to the officer having charge of such factory or workshop shall be sufficient.

Foundries—Toilet Rooms and Rooms for Changing Clothes Required—Inspection. (Act May 21, 1919.)

SECTION 1. *Amending certain sections.*—That sections 1, 2, and 3 of an act approved March 19, 1913, found in laws of 1913, page 401, as amended by an act approved March 24, 1915, found in laws of 1915, page 326, as amended by an act^a approved April 10, 1917, found in laws of 1917, page 322, be and the same are hereby amended by striking out certain words therein and inserting certain words in lieu thereof and making the said act applicable to persons operating

^a Supplement No. 37 to the Pub. Health Repts., p. 258.

foundries employing four or more men. Section 1: Section 1 shall be amended by striking out in the fourth line the word "ten" and inserting in lieu thereof the word "four." Section 2: Section 2 shall be amended by striking out in the first, second, and fourth lines thereof the word "factory" and inserting in lieu thereof, in each instance, the word "industrial"; by striking out in the third line the word "ten" and inserting in lieu thereof the word "four." Section 3: Section 3 shall be amended by striking out of the second line the word "factory" and inserting in lieu thereof the word "industrial." Said sections as amended shall read as follows:

SECTION 1. Toilet rooms and rooms for men changing clothing to be provided in certain foundries.—Every corporation, company, or person in this State engaged in operating any foundry in which four or more men are employed is hereby required to provide suitable toilet rooms, containing washbowls or sinks provided with running water, hot and cold; shower baths, water-closets [sic] connection with running water, and a suitable room or place wherein the men may change their clothes, said room to be directly connected with the foundry building, properly heated, ventilated, and protected with a suitable locker or place to properly change his clothing or wearing apparel.

SEC. 2. Inspection; duty and power of industrial inspector.—The State industrial inspector is hereby required to at least twice a year thoroughly inspect each foundry in this State wherein four or more are employed, and the said industrial inspector shall have the power and authority by order to require the provision of section 1 to be carried out.

SEC. 3. Penalty.—Any corporation, company, or person failing to comply with an order made by the industrial inspector to provide the facilities enumerated in section 1 of this act shall be deemed guilty of a misdemeanor.

Mattresses—Making, Remaking, Labeling, and Sale. (Act May 26, 1919.)

SECTION 1. Defining "mattresses."—That (1) the term "mattress" as used in this act shall be construed to mean any quilted pad, mattress, mattress pad, bunk quilt, or cushion stuffed or filled with wool, hair, or other soft material, to be used on a couch or bed for sleeping or reclining purposes.

(2) The term "person" as used in this act shall be construed to include all individuals and all firms or copartnerships.

(3) The term "corporation" as used in this act shall be construed to include all corporations, companies, associations, and joint-stock associations or companies.

(4) Whenever the singular is used in this act it shall be construed to include the plural; whenever the masculine gender is used in this act it shall include the feminine and neuter genders.

SEC 2. What to employ in making mattresses.—No person or corporation, by himself or his agents, servants, or employees, shall employ or use in the making, remaking, or renovating of any mattress:

(a) Any material of any kind that has been used in, or has formed a part of, any mattress used for or about any person having any infectious or contagious disease;

(b) Any material known as "shoddy," and made in whole or in part from old or worn clothing, carpets, or other fabrics, or material previously used, or any other fabric or material from which shoddy is constructed.

SEC. 3. Sell, lease, deliver, etc., to whom.—No person or corporation, by himself or by his agents, servants, or employees, shall sell, lease, offer to sell, or lease or deliver, or consign in sale or lease, or have in his possession with intent to sell, lease, deliver, or consign in sale or lease:

(a) Any mattress that has been used for or about any person having any infectious or contagious disease;

(b) Any mattress made or remade in violation of any of the provisions of this act.

SEC. 4. *Regulating the sale or lease of mattresses; labels required.*—No person or corporation, by himself or by his agents, servants, or employees, shall directly or indirectly, at wholesale or retail, or otherwise, sell, lease, offer to sell or lease, or consign in sale or lease, or have in their [his] possession with intent to sell or lease, or consign in sale or lease, any mattress that shall not have plainly and indelibly written or printed thereon, or upon a plain muslin or linen tag securely sewed to the covering thereof, a statement in the English language setting forth—

(a) The materials used in filling said mattress;

(b) The name and address of the maker, vendor, or successive vendors.

SEC. 5. *Misuse of word.*—It shall be unlawful to use in the said statement concerning any mattress the word "felt," or words of like import, if there has been used in filling said mattress any materials which are not felted and filled in layers, unless the said statement shall plainly set forth all the different materials so used.

SEC. 6. *Misleading terms.*—It shall be unlawful to use in the description in the said statement any misleading term or designation or term or designation likely to mislead.

SEC. 7. *Statement required.*—The statement required under section 4 of this act shall not be less than 3 by 4½ inches in size, and in form shall be as follows:

Materials used in filling-----

Made by-----
Address-----
Vendor-----
Address-----

This article is made in compliance with the act of the General Assembly of the State of Missouri approved the-----day of-----1919.

SEC. 8. *Violation of this act.*—Any person who shall remove, deface, alter, or in any manner attempt the same, or shall cause to be removed, defaced, or altered, any mark or statement placed upon any mattress under the provisions of this act shall be guilty of a violation of this act.

SEC. 9. *Separate offenses.*—The unit for a separate and distinct offense in violation of this act shall be each and every mattress made, remade, renovated, sold, offered for sale, delivered, consigned, or possessed with intent to sell, deliver, or consign, contrary to the provisions hereof.

SEC. 10. *Officers or agents of corporation liable.*—When any of the provisions of this article are violated by a corporation proceedings may be had against any of the officers or agents of such corporation who in any way participated in such violation by the corporation of which they are the officers or agent, and, upon conviction, such officers or agents shall be subject to the same penalty as in case of individuals so offending.

SEC. 11. *Misdemeanor.*—Any person or corporation violating the provisions of this act shall be guilty of a misdemeanor.

SEC. 12. *Factory must be open to inspection.*—All places where mattresses are made, or materials for mattresses prepared, or where mattresses are offered for sale, or are in the possession of any person or corporation with intent to sell, deliver, or consign them, shall be subject to inspection by the State industrial inspector, whose duty it shall be, in case he has reason to believe any person or corporation is violating this act, to prosecute such person or corporation therefor.

SEC. 13. *Duty of individual to report violations.*—Any individual who has reason to believe that this act has been or is being violated may present the relevant facts to the State industrial inspector or any of his assistants or deputies; in which case it shall be the duty of the State industrial inspector to make an investigation of such facts as on his own initiative; and, if he is of opinion that the act has been or is being violated, to prosecute the person or corporation guilty thereof. Any individual may institute proceedings to enforce this act and to punish violations of its provisions.

MONTANA.

Communicable Diseases—Reports of Cases—Reports by Local Health Authorities to State Board of Health. (Reg. Bd. of H., May 29, 1919.)

REG. 136. PART 1. Including the "communicable diseases" enumerated in section 1500, Revised Codes of Montana, 1907, as amended by chapter 15, session laws of 1913, the following-named diseases are designated as "communicable diseases," infectious, contagious, or communicable in their nature:

GROUP I.

Actinomycosis.

Anthrax.

Chicken pox.

Cholera, Asiatic (also cholera nostras when Asiatic cholera is present or its importation is threatened).

Continued fever lasting seven (7) days.

Diphtheria (or membranous croup, so called).

Dysentery:

(a) Amebic.

(b) Bacillary.

Erysipelas.

Favus.

German measles.

Glanders.

Influenza, epidemic (including "Spanish" influenza—la grippe).

Leprosy.

Malaria.

Measles.

Meningitis:

(a) Epidemic cerebrospinal.

(b) Tuberculous.

Mumps.

Ophthalmia neonatorum (conjunctivitis of newborn infants).

Paratyphoid fever.

Plague.

Pollomyelitis (acute infectious) or infantile paralysis.

Rabies.

Rocky Mountain "spotted" or "tick" fever.

Scarlet fever.

Septic sore throat.

Smallpox.

Tetanus.

Trachoma.

Trichinosis.

Tuberculosis (all forms, including miners' consumption).

Typhoid fever (enteric fever).

Typhus fever.

Whooping cough.

(b) Inasmuch as the control and abatement of infectious, contagious, or communicable diseases depends upon the knowledge of the existence or location of cases of such diseases by the local, county, and State boards of health, it is hereby ruled that the diseases named in paragraph (a) shall be declared to be notifiable diseases, and the occurrence of cases of such diseases shall be reported as herein provided. Hereafter each and every physician or other practitioner

of the healing art practicing in the State of Montana who treats or examines any person suffering from or afflicted with, or suspected to be suffering from or afflicted with, any one of the notifiable diseases named in paragraph (a) shall immediately report such case of notifiable disease in writing to the local or county health authorities having jurisdiction of the territory in which said case occurs. (See sec. 1502, Revised Codes of Montana, 1907.) Said report shall be forwarded either by mail, by special messenger, or delivered in person, and shall give the following information:

1. The date of the onset of such disease.
2. The name of the disease or suspected disease.
3. The name, age, sex, color, nativity, occupation, address, and school attended or place of employment of patient.
4. The number of adults and children in the household.
5. Source or probable source of infection or origin or probable origin of the disease.
6. The name and address of the reporting physician.

Provided, That if the disease is, or is suspected to be, smallpox, the report shall, in addition, show whether the disease is of the mild or virulent type, and if the disease is, or is suspected to be, smallpox or typhoid fever, whether the patient has been successfully vaccinated or immunized, and if the patient has been successfully vaccinated or immunized the number of times and dates or approximate dates of such vaccination or immunization; and if the disease is, or is suspected to be, cholera, diphtheria, plague, scarlet fever, smallpox, yellow fever, or "Rocky Mountain spotted" or "tick" fever, the physician shall, in addition to the written report, give immediate notice of the case to the local health authority in the most expeditious manner available; and if the disease is, or is suspected to be, tuberculosis, typhoid fever, paratyphoid fever, scarlet fever, diphtheria, or membranous croup, or septic sore throat, the report shall also show whether the patient has been, or any member of the household in which the patient resides is, engaged or employed in the handling of milk for sale or preliminary to sale.

(c) The requirements of the preceding paragraph shall be applicable to physicians attending patients ill with any of the notifiable diseases in hospitals, asylums, or other institutions, public or private: *Provided*, That the superintendent or other person in charge of any such hospital, asylum, or other institution in which the sick are cared for may, with the written consent of the local or county health officer (or the board of health) having jurisdiction, report in the place of the attending physician or physicians the cases of notifiable disease and disabilities occurring in or admitted to said hospital, asylum, or other institution in the same manner as that prescribed for physicians: *And provided also*, That superintendents of State hospitals, asylums, or institutions may report directly to the State board of health all cases of notifiable disease occurring within said hospitals, asylums, or institutions.

(d) Whenever any householder knows or has reason to believe that any person within his family or household has any communicable disease he shall immediately give notice thereof to the health officer of the town or city, or to the county health officer if without the corporate limits of a town or city, and such notice shall be given at the office of a local or county health officer within the shortest possible time and by the most direct means of communication. (Sec. 1501, Revised Codes of Montana, 1907.) The local or county health officer having jurisdiction shall then file a report in the manner prescribed in paragraph (b).

(c) Whenever the eyes of an infant under 2 weeks of age become reddened, inflamed, or swollen, or contain an unnatural discharge, and no physician is in attendance, an immediate report of the existence of the case shall be made to the local or county health officer having jurisdiction by the midwife, nurse, attendant, householder, or other person in charge of the patient; responsibility for reporting to rest upon each in the order named. The local or county health officer to whom report is made shall then file a report in the manner prescribed in paragraph (b).

(f) Whenever any teacher, school nurse, or any person in charge of any public or private school shall know or suspect a case of notifiable disease in persons attending or employed in his or her school he or she shall report immediately such knowledge or suspicion to the local or county health officer having jurisdiction. The health officer shall, if the knowledge or suspicion be confirmed upon investigation, file a card report in the same manner as prescribed in paragraph (b).

(g) The written reports of cases of notifiable diseases as required of physicians and health officers by this rule shall be made upon blanks supplied for the purpose through the local and county health authorities by the State board of health.

(h) Local or county health officers or boards of health shall, at the end of each week, forward by mail to the State board of health the original written reports made by physicians and themselves, after first having transcribed the information given in the respective reports in a book or other form of record for the permanent files of the local or county health office. On each report thus forwarded the local health officer shall state whether the case to which the report pertains was visited or otherwise investigated by the local or county health officer or by a representative of the local or county health officer (see sec. 1489, Revised Codes of Montana, 1907), and whether and what measures were taken to prevent the spread of the disease or the occurrence of additional cases, and if the case is diphtheria, whether antitoxin is being used. And if no cases of communicable diseases shall have been reported to the local or county health officer during any week he shall so certify to the secretary (or his representative or deputy) of the State board of health at the end of each week on a card to be furnished by the State board of health.

(i) Whenever there occurs within the jurisdiction of a local or county health officer or board of health an epidemic of a notifiable disease the local or county health officer or board of health shall, when requested by the State board of health (or its executive officer), within 30 days after the epidemic shall have subsided, make a report to the State board of health of the number of cases occurring in the epidemic and the means by which the disease was spread or believed to be spread: *Provided*, That whenever the State board of health shall have taken charge of the control and suppression or undertaken the investigation of the epidemic the local or county health authority having jurisdiction need not make the report otherwise required.

(j) In event of the occurrence of anthrax, leprosy, paratyphoid fever, poliomyelitis or infantile paralysis, rabies, Rocky Mountain "spotted" or "tick" fever, tuberculosis, or typhoid fever the physician shall, when requested by the State board of health (or its executive officer), furnish a special report on blank to be furnished by the State board of health, either directly or through the local or county health officer.

Venereal Diseases—Reports of Cases—Unlawful for Infected Person to Expose Others to Infection—Examination of Persons Suspected of Being Infected—Treatment—Isolation or Quarantine—Repression of Prostitution—Isolation Hospitals—Examination and Treatment of Prisoners—Instructions and Circular of Information to be Given Patient—Prescribing, Recommending, or Compounding Medicine—Reports by Druggists—Issuance of Certificates of Freedom from Venereal Diseases—Records Not to be Disclosed—Regulations by State Board of Health. (Ch. 106, Act Mar. 4, 1919.)

SECTION 1. That syphilis, gonorrhea, and chancroid, hereinafter designated as venereal diseases, are hereby declared to be contagious, infectious, communicable, and dangerous to the public health. It shall be unlawful for anyone infected with these diseases or any of them to expose another person to infection.

SEC. 2. Any physician or other person who makes a diagnosis in or treats a case of syphilis, gonorrhea, or chancroid, and every superintendent or manager of a hospital, dispensary, or charitable or penal institution in which there is a case of venereal disease shall keep a record thereof, which shall show the name and address or the office number, age, sex, color, and occupation of the diseased person and the date of onset of the disease and the probable source of infection; every name entered in such record shall be assigned a number commencing with No. 1 and continuing in numerical order, and shall report such case immediately in writing to the local or county health officer, giving the number assigned to such diseased person, together with the probable source of infection: *Provided*, That the name and address shall not be given in such report except as hereinafter specifically provided. Said report shall be inclosed in a sealed envelope and sent to the local or county health officer, who shall report weekly on the prescribed form to the State board of health all cases reported to him.

SEC. 3. State, county, and local health officers, or their authorized deputies, within their respective jurisdictions, are hereby directed and empowered, when in their judgment it is necessary to protect the public health, to make examinations of persons reasonably suspected of being infected with venereal disease, and to detain such persons until the results of such examinations are known; to require persons infected with venereal disease to report for treatment to a reputable physician and to continue treatment until cured, or to submit to treatment provided at public expense until cured, and also, when in their judgment it is necessary to protect the public health, to isolate or quarantine persons infected with venereal disease. It shall be the duty of all local, county, and State health officers, or their authorized deputies, within their respective jurisdictions, to investigate sources of infection of venereal disease, to cooperate with the proper officials whose duty it is to enforce laws directed against prostitution, and otherwise to use every proper means for the repression of prostitution.

SEC. 4. The county board of health of each county shall provide an isolation hospital for the care and treatment of all persons within the county suffering from venereal diseases, and shall make all necessary rules and regulations for the conduct and management thereof: *Provided, however*, That the county board of health of any county may in its discretion, if no isolation hospital has been established in such county, contract for the care and treatment of persons suffering from said diseases with any county of the State that maintains an isolation hospital for the care and treatment of such diseases, or may

contract with any private institution for the care and treatment of any such patients.

SEC. 5. Every person who is committed to, detained, or treated in such isolation hospitals, and who is financially able, shall be required to pay all expenses for care and treatments while detained in such hospital, and the county board of health is authorized to maintain civil action in the name of the county to recover therefor.

SEC. 6. All persons who shall be confined or imprisoned in any State, county, or city prison in the State shall be examined for, and, if infected, treated for venereal diseases by the health authorities or their deputies. The prison authorities of any State, county, or city prison are directed to make available to the health authorities such portion of any State, county, or city prison as may be necessary for a clinic or hospital, wherein all persons who may be confined or imprisoned in any such prison and who are infected with venereal disease at the time of the expiration of their terms of imprisonment, and in case no other suitable place for isolation or quarantine is available; such other persons as may be isolated or quarantined under the provisions of section 3 shall be isolated and treated at public expense until cured, or, in lieu of such isolation, any of such persons may, in the discretion of the local, county, or State health officer, be required to report for treatment to a licensed physician, or submit to treatment provided at public expense, as provided in section 4. Nothing herein contained shall be construed to interfere with the service of any sentence imposed by a court as a punishment for the commission of crime.

SEC. 7. Local and county health officers are authorized and directed to quarantine persons who have, or who after examination are reasonably suspected of having, syphilis, gonorrhea, or chancroid, whenever in the opinion of said local or county health officer, or the State board of health, or its secretary, quarantine is necessary for the protection of the public health. In establishing quarantine the health officer shall designate and define the limits of the area in which the person known to have, or reasonably suspected of having, syphilis, gonorrhea, or chancroid, and his or her immediate attendant are to be quarantined and no other person than the attending physician shall enter or leave the area of quarantine without the permission of the local or county health officer. No one but the local, county, or State health officer shall terminate said quarantine, and this shall not be done until the diseased person has become noninfectious, as determined by the local, county, or State health officer or his authorized deputy through the clinical examination and necessary laboratory tests, or until permission has been given by the State board of health or its secretary.

SEC. 8. It shall be the duty of every physician and of every other person who examines or treats a person having syphilis, gonorrhea, or chancroid to instruct such person in measures for preventing the spread of such diseases, and inform such person of the necessity for treatment until cured, and to hand such person a copy of the circular of information obtainable for this purpose from the State board of health.

SEC. 9. When a person applies to a physician or other person for the diagnosis or treatment of syphilis, gonorrhea, or chancroid, it shall be the duty of the physician or person so consulted to inquire of and ascertain from the person seeking such diagnosis or treatment whether such person has theretofore consulted with or has been treated by any other physician or person; and if so, to ascertain the name and address of the physician or person last consulted. It shall be the duty of the applicant for diagnosis or treatment to furnish this

information, and a refusal to do so or a falsification of the name and address of such physician or person consulted by such applicant shall be deemed a violation of these regulations. It shall be the duty of the physician or other person whom the applicant consults to notify the physician or other person last consulted of the change of advisers. Should the physician or person previously consulted fail to receive such notice within 10 days after the last date upon which the patient was instructed by him to appear, it shall be the duty of such physician or person to report to the local or county health officer the name and address of such venereally diseased person.

If an attending physician or other person knows or has good reason to suspect that a person having syphilis, gonorrhea, or chancre is so conducting himself or herself as to expose other persons to infection, or is about so to conduct himself or herself, he shall notify the local or county health officer of the name and address of the diseased person and the essential facts in the case.

SEC. 10. No druggist or other person not a physician licensed under the laws of the State shall prescribe or recommend to any person any drug, medicines, or other substances to be used for the cure or alleviation of gonorrhea, syphilis, or chancre, or shall compound any drugs or medicines other than proprietary for said purpose from any written formula or order not written for the person for whom the drugs or medicines are compounded and not signed by a physician licensed under the laws of the State. All druggists are required to keep a record of the names and addresses of all persons to whom proprietary or patent medicines, commonly or presumably used in the treatment of venereal diseases, are sold or supplied to, and shall forward a report to the proper health officer at the end of each week, giving the names and addresses of such persons and the remedy sold in each case.

SEC. 11. Physicians, health officers, and all other persons are prohibited from issuing certificates of freedom from venereal disease, providing this rule shall not prevent the issuance of necessary statements of freedom from infectious diseases written in such form or given under such safeguards that their use in solicitation for sexual intercourse would be impossible. Such certificates shall not be used or exhibited for solicitation for immoral purposes.

SEC. 12. All information and reports concerning persons infected with venereal diseases shall be inaccessible to the public.

SEC. 13. The State board of health is hereby empowered and directed to make such rules and regulations as shall in its judgment be necessary for the carrying out of the provisions of this act, including rules and regulations providing for the control and treatment of persons isolated or quarantined under the provisions of section 3, and such other rules and regulations not in conflict with the provisions of this act, concerning the control of venereal diseases, and concerning the care, treatment, and quarantine of persons infected therewith, as it may from time to time deem advisable. All such rules and regulations so made shall be of force and binding upon all county and municipal health officers and other persons affected by this act, and shall have the force and effect of law.

SEC. 14. Any person who shall violate any of the provisions of this act, or any lawful rule or regulation made by the State board of health pursuant to the authority herein granted, or who shall fail or refuse to obey any lawful order issued by the State, county, or local health officer, pursuant to the authority granted in this act, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than a year, or by both such fine and imprisonment.

Venereal Diseases—Reports of Cases. (Reg. Bd. of H., May 29, 1919.)

[REG. 136.] PART 2. In addition to the diseases named in part 1, the following are declared to be notifiable diseases, and shall be reported in the manner prescribed by chapter 106, session laws of 1919:

GROUP II.

Syphilis. Gonorrhea. Chancroid.

Venereal Diseases—Procedure by Local Health Officers When Informed of the Existence of Cases—Travel and Change of Residence by Infected Persons—When Cases Deemed Not Communicable—Infected Persons Not to Be Served in Public Baths or Barber Shops—Prohibited Occupations. (Reg. Bd. of H., Dec. 4, 1919.)

RULE I. Duties of health and peace officers.—Whenever information shall reach any local or county health officer concerning the existence of a case of venereal disease which may necessitate action on the part of said health officer under the provisions of section 3, chapter 106, session laws of 1919, said local or county health officer is hereby directed to investigate such information received and to take appropriate action in each case to protect the public health by observing the following procedure:

(a) When a duly qualified physician reports a case of venereal disease by number and withholds the name of the patient it is understood that the physician accepts responsibility for the conduct of the patient and the health officer shall transmit the report to the State board of health. Should information reach the health officer through channels other than the physician's report that the conduct of the patient, whose case has been reported by number, is such as to expose others to infection, it is the duty of the health officer to take appropriate action to protect the public health, even though such action should require the quarantine of such infected person.

(b) When the names and addresses of persons infected with venereal disease are reported by physicians, the procedure adopted should be such as will extend every proper courtesy to the physician making the report, duly respect the confidential nature of the information, and adequately protect the public health. So long as the health officer believes that the physician has always acted, and in the particular case is acting in good faith, he should communicate with the physician personally, if practicable, and get all the information possible as to the character of such infected person and the likelihood that the patient's conduct may be such as might spread the disease to others.

(c) After communication with the attending physician, if an interview with the patient is deemed necessary, a private interview should be sought at the earliest opportunity. The purpose of the interview should be disclosed to no one except the patient. The provisions of the State law, regulations, and local ordinance, if any has been passed, should be carefully explained so that the patient may fully appreciate the powers which the health officer may exercise under such law, regulations, or ordinance. If the interview with the patient is not sufficient to deter him from exposing others, it is the duty of the health officer, in order to protect the public health, to institute quarantine without delay.

(d) When the persons whose names are reported are known to be prostitutes or pimps, or to be engaged in any way in commercialized vice, it may be assumed that such persons can not be trusted to protect others from exposure to

infection, and it is the duty of the health officer to take immediate steps to quarantine them without waiting to interview either the physician or the patient.

(e) In all other cases where quarantine is instituted, the health officer will wish to satisfy himself as to the accuracy of the diagnosis. Before deciding to quarantine a person infected with venereal disease, the health officer should study the facts in the case to determine the best method of handling the individual case. It is not desired to place the expense of maintaining and treating such persons for a considerable period upon the public unless such action is necessary to protect the public health.

(f) Sheriffs, deputy sheriffs, constables, chiefs of police, jailers, and all peace officers are hereby directed and empowered to detain and immediately place in quarantine all persons arrested by them or placed in their custody charged with the crime of pimping or prostitution or arrested under the State vagrancy law (sec. 8828, Revised Codes of Montana, 1907), and suspected of being pimps or prostitutes, until examined for venereal disease by the health officer having jurisdiction.

(g) The health officer shall examine promptly and thoroughly, by both clinical and laboratory methods, all persons referred by peace officers as suspected of having venereal disease. Such examination shall be made promptly, but shall not call for action on the part of the health officer at unreasonable hours or in such undue haste as may admit of possible errors in findings. The health officer shall take appropriate action to protect the public health in all cases found to be infected.

(h) A circumspect inquiry concerning all persons reported by druggists as having purchased drugs for the treatment of venereal disease should be made by the health officer or his representative to determine if the reported person is conducting himself or herself in a manner prejudicial to the public health. Measures for the treatment or quarantine of such individuals should be conditioned upon the results of such inquiry. In all such cases, the health officer should seek to avoid the treatment of such patients for pay, and any other act which may lead to misinterpretation of his motive.

(i) In every case of venereal disease wherein a person is deemed a menace to the public health, every effort should be made to have such person submit voluntarily to an examination by the health officer, but when such person refuses or neglects to thus voluntarily submit to such examination he (or she) may be apprehended by a peace officer upon an order issued by the health officer on form to be supplied by the State board of health. All quarantine measures for control of venereal disease should be carried out with as little publicity as possible.

(j) Information concerning the presence of venereal disease may often reach the health officer through channels other than official. Private citizens or representatives of certain societies or civic organizations may report cases, and it is the duty of the health officer to carefully investigate all cases so reported and proceed as prescribed in paragraph (i).

RULE II. Travel or change of residence by persons infected with syphilis, gonococcus infection, or chancroid prohibited unless authorized by health officer.—(a) No person infected with syphilis, in communicable form, gonococcus infection or chancroid who is under detention or treatment by order of a local, county, or State health officer shall travel from one health jurisdiction to another within the State, or from one community to another within the same health jurisdiction except upon a permit in writing granted by the local health officer under whose jurisdiction such person resides. The permit shall state that,

In the opinion of the health officer, the proposed travel is not dangerous to public health. An applicant for a permit to change residence from one health jurisdiction to another shall inform the health officer to whom the application is made as to the intended place of residence, and shall agree in writing to report in person to the proper health officer within one week after arrival at the new place of residence.

(b) It shall be the duty of the health officer who issues a permit for change of residence to another jurisdiction to promptly notify the health officer under whose jurisdiction the infected person proposes to enter that such a permit has been issued. This notice shall contain the name of the infected person and address to which such person proposes to move and a copy of such notice shall also be forwarded to the State board of health.

(c) Upon receiving such notice any health officer shall ascertain and report the arrival of such infected person to the health officer who issued the permit for change of residence and shall also notify the State board of health that such change of residence has taken place.

(d) Each application for a permit to travel or change residence must contain an agreement signed by the applicant to continue treatments under the direction of a legally licensed physician until permission to discontinue treatment has been received from the health officer. No health officer shall permit the discontinuance of treatment under such conditions until the infected person has become noninfectious according to the standards fixed by the State board of health.

RULE III. Standards for determining noninfection.—For the purposes of quarantine or isolation for the protection of public health as provided for in section 3, chapter 106, session laws 1919, the following shall be accepted as practicable standards:

(a) Cases of gonococcus infection are to be regarded as infectious until at least three successive smears taken not less than five days apart fail to show gonococcus. Smears for such examination must be taken not less than 48 hours following last local treatment, nor immediately following urination.

(b) Cases of syphilis are to be regarded as infectious until all lesions of skin or mucous membranes are completely healed. In the case of doubt as to diagnosis of such skin or mucous membranes, the patient shall be held until a laboratory finding discloses a negative Wassermann, and in all such findings the report of the hygienic laboratory of the State board of health shall be regarded as final.

(c) The standards prescribed in this rule shall apply only for the enforcement of section 3 and shall not contra-indicate the reporting of all cases of venereal disease, infectious or noninfectious, as required by section 2.

RULE IV. (a) Public baths and barber shops.—No person suffering from syphilis, gonococcus infection, or chancroid shall apply for service, be served or employed in a public bathroom or swimming pool in the State and no person suffering from syphilis in a communicable form shall apply for service or be served in any barber shop, nor shall any person suffering from syphilis in communicable form, gonococcus infection, or chancroid, be employed or permitted to perform any service in any barber shop.

(b) *Occupations forbidden to persons infected with syphilis, gonococcus infection, or chancroid.*—No person infected with syphilis in communicable form shall engage in the occupation of nurse, nursemaid, domestic, servant, barber, hairdresser, chiropodist, manicure, bath attendant, masseur, or any other occupation in which syphilitic infection may be transmitted to others. No person infected with syphilis in communicable form or gonococcus infection

shall engage in any occupation which involves intimate contact with children. No person infected with syphilis, in communicable form, gonococcus infection, or chancroid shall engage in any occupation which involves the preparation, handling, serving, or dispensing by the infected person of foods, drugs, or beverages intended for the use of others.

Food Poisoning, Pellagra, and Cancer—Reports of Cases. (Reg. Bd. of H., May 29, 1919.)

[REG. 136.] PART 3. Inasmuch as it has been demonstrated by scientific investigation that acute poisoning by foods is for the most part the result of toxins produced by the action of certain transmissible bacteria upon such foods, the following-named disease or illness is hereby declared to be dangerous to the public health and shall be reported to the local or county health officer, in the same manner and by the same persons as prescribed in part 1.

GROUP III.

Food poisoning.

PART 4. The following-named diseases of unknown origin are declared to be notifiable diseases and shall be reported in the same manner and by the same persons as prescribed in part 1.

GROUP IV.

Pellagra. Cancer.

Rocky Mountain Spotted Fever—Extermination of Rodents That Are Hosts of Tick Transmitting the Disease. (Ch. 27, Act Feb. 18, 1919.)

SECTION 1. The word "owner" as used in this act shall be construed to include both the singular and plural as the case may be, and shall include corporations, companies, societies, and associations. When construing and enforcing the provisions of this act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association, as well as that of the other person. The words "control district" as used in this act shall mean only such control districts of the State board of entomology as have been or may be specifically established for the control or eradication of any tick transmitting Rocky Mountain spotted fever. The words "other rodents" as used in this act shall be construed to include all rodents other than the Columbian ground squirrel that are hosts of any stage of a tick transmitting Rocky Mountain spotted fever. The words "domestic animals" as used in this act shall be construed to include cows, horses, mules, asses, sheep, goats, and hogs.

SEC. 2. The State board of entomology may, from time to time and whenever it deems it necessary so to do, create and establish control districts for the extermination of the Rocky Mountain spotted fever tick. Such control districts shall be created and established by a written order of the board which shall particularly define the boundaries of such districts.

SEC. 3. The State board of entomology is hereby empowered to make such regulations as it may deem necessary requiring the owners of land in any control district to poison or otherwise kill and exterminate the Columbian ground

squirrel or other rodents and such regulations shall specify the Columbian ground squirrel or other rodents to be destroyed, as well as the number of times each year, the period or periods during which, the means by which, and the control district or districts in which such poisoning or otherwise killing and exterminating of the Columbian ground squirrel or other rodents shall be accomplished; and the secretary of said board shall cause all such regulations to be published in one or more of the newspapers circulated in the county or counties concerned during the two weeks immediately following their adoption by said board.

SEC. 4. Upon the establishment of one or more control districts within any county in Montana the county commissioners of such county are hereby authorized and empowered to appoint some suitable person or persons whose duty it shall be to poison or otherwise kill and exterminate the Columbian ground squirrel or other rodents within the limits of such control districts and said county commissioners are further authorized and empowered to pay out of the general fund of the county the per diem of the person or persons so appointed and all other expenses in connection with the killing and extermination of such Columbian ground squirrel or other rodents. Any person so appointed is hereby empowered and directed to perform such poisoning or otherwise killing and exterminating of the Columbian ground squirrel or other rodents as the State board of entomology may specify provided the owner shall refuse or neglect to do so when so directed in the regulations of the State board of entomology or shall refuse or neglect to do so within the period specified by the regulations of said board or provided such work has not been performed in a thorough and efficient manner. Any person so appointed is further empowered and directed to enter upon any farm, grounds, or premises, a railroad right of way, or any other parcel of land, for the purpose of determining whether or not the Columbian ground squirrel or other rodents are present or for the purpose of killing and exterminating the Columbian ground squirrel or other rodents or to determine whether or not the Columbian ground squirrel or other rodents have been poisoned or otherwise killed and exterminated in accordance with the provisions of this act and the regulations of the State board of entomology. It is further provided that each member of the State board of entomology and each of its duly authorized representatives and employees are similarly empowered to enter upon any farm, grounds, or premises, a railroad right of way, or other parcel of land at any time for each and all of the purposes specified in this act, when an owner has neglected or refused to poison, kill, or otherwise exterminate the Columbian ground squirrel or other rodents as required by the provisions of this act and the regulations of the said board, or has not done so in a thorough and efficient manner the secretary of the State board of entomology or his duly authorized representative shall notify such owner that such poisoning or otherwise killing and exterminating of the Columbian ground squirrel or other rodents will be performed at the owner's expense under the direction of said board as provided in this act, and such notice shall be mailed to the last known address of such owner, and, in case of a railroad right of way, shall be delivered to the nearest station agent.

SEC. 5. Any person or persons appointed for the purpose of poisoning or otherwise killing and exterminating the Columbian ground squirrel or other rodents as provided for in section 4 of this act shall perform such work under the direction of the State board of entomology or its duly authorized representative in the county concerned; and it shall be the duty of any such person or of any duly authorized representative or employee of said board to give the owner or person in charge of any domestic animals which are pastured on the fenced

land on which he is empowered to lay out poison or kill and exterminate the Columbian ground squirrel or other rodents at least 48 hours' notice in writing before laying out such poison and to notify the owner or occupant of any dwelling or farmhouse before laying out poison for the above purpose within 20 rods of such dwelling or farmhouse. He shall further keep such records of infestation by the Columbian ground squirrel or other rodents as may be directed by the State board of entomology or its duly authorized representative and shall keep an accurate record of the work performed on each parcel of land on which such person has poisoned or otherwise killed and exterminated, the Columbian ground squirrel or other rodents, specifying therein the kind of rodents so poisoned or otherwise killed and exterminated, the number of hours of labor required therefor, the date or dates during which, and a description of the land on which such labor was performed together with the amount of poison or other material used, and shall transmit two sworn copies of such records to the secretary of the State board of entomology or his duly authorized representative in the county concerned, and the latter shall on or before the 1st day of August of each year transmit one copy thereof, on which is computed the total expense incurred on each parcel of land, to the county treasurer.

SEC. 6. Any person or persons appointed for the purpose of poisoning or otherwise killing and exterminating the Columbian ground squirrel or other rodents as provided for in section 4 of this act shall receive as compensation not to exceed the sum of \$3.50 per day of eight hours for labor performed in carrying out the provisions of this act and such amount shall be paid by the county concerned out of its general fund. The maximum charge against any parcel of land shall not be greater for any one treatment than at the rate of \$8 per 160 acres. Whenever under the provisions of this act or of the regulations of the State board of entomology any money is expended by a county for the purpose of poisoning or otherwise killing and exterminating the Columbian ground squirrel or other rodents from any parcel of land, the county treasurer of such county shall notify the owner of such land in writing of the amount so expended. Said notice shall be mailed to the last known address of such owner, and if such owner shall fail to pay the amount so expended by the county within 30 days of the time such notice is sent, then, and in that event, the county treasurer shall add the amount so expended to the taxes upon said property and shall collect the same as provided by law for the collection of taxes for State and county purposes, except that such owner may within 30 days from the time such notice is sent appear before the county commissioners and show cause why such sum should not be paid: *Provided, however,* That if such owner shall feel aggrieved by the decision of the county commissioners such owner may appeal to the district court, and such appeal shall be perfected and prosecuted in the same manner as appeal in justice courts.

SEC. 7. In any county concerned, poison for the killing and exterminating of the Columbian ground squirrel or other rodents shall be prepared by the secretary of the State board of entomology or his duly authorized representative and shall be sold by him or his agents at cost to any owner or occupant of land in any control district; and it is further provided that the secretary of the State board of entomology or his duly authorized representative shall also prepare or approve all poison used by persons authorized under this act to lay out poison on lands the owners of which shall refuse or neglect to poison or otherwise kill and exterminate the Columbian ground squirrel or other rodents, as directed by the regulations of the State board of entomology.

SEC. 8. Between March 1 and July 15 of each year each control district shall be held to be a quarantined area. Owners of domestic animals shall be prohibited from taking or moving such animals into or out of any quarantined control district, or from allowing such domestic animals to wander into or out of any quarantined control district; *Provided*, That such domestic animals may be moved into or out of such quarantined control district under permits issued by the secretary of the State board of entomology or by his duly authorized representative, except that no permit so issued shall be effective for animals upon which a quarantine has been placed by the live-stock sanitary board: *And provided further*, That animals ridden under the saddle or driven in harness or under yoke shall not be subject to this quarantine.

The secretary of the State board of entomology or his duly authorized representative shall be required to satisfy himself that domestic animals are free of ticks before issuing to the owner a permit allowing the removal into or out of quarantined district of such domestic animals.

SEC. 9. The State board of entomology is hereby authorized and empowered to make regulations for the purpose of prohibiting or of regulating and controlling the grazing of domestic animals on unfenced land and roadsides and country roads within the limits of any control district established by said board.

SEC. 10. Any owner of domestic animals who shall violate any provision of sections 8 and 9 of this act or any regulation of the State board of entomology made in conformity therewith shall be guilty of a misdemeanor and shall be fined in any sum not greater than \$100 or imprisoned in the county jail for any period not exceeding 30 days, or both such fine and imprisonment may be imposed.

State Tuberculosis Hospital—Admission and Maintenance of Indigent Patients—Admission of Ex-Service Men—Appropriation. (Ch. 26, Act Aug. 12, 1919.)

SECTION 1. That section 10 of chapter 125 of the Session Laws of the Twelfth Legislative Assembly of the State of Montana be, and the same is hereby, amended to read as follows:

SEC. 10. The executive board of said sanitarium is hereby given power and authority to receive therein patients who have no ability to pay, but no person shall be admitted to the sanitarium who has not been a citizen of this State for at least one year, excepting that a female who has been a resident of the State for at least five months preceding the date of the application may be so admitted, though not a citizen. Every person desiring free treatment in said sanitarium shall apply to the local authorities of his or her town, city, or county having charge of the relief of the poor, who shall thereupon issue a written request to the president of said sanitarium for the admission and treatment of such person. Such request shall state in writing whether the person is able to pay for his or her care and treatment while at the sanitarium, which request and statement shall be kept on file by the president in a book kept for that purpose in the order of their receipt by him. No persons [sic] shall be admitted as a patient in said institution without certificate of an examining physician certifying that such applicant is suffering from tuberculosis or what is commonly called miner's consumption, and if upon the reception of a person at such sanitarium it is found by the authorities thereof that he or she is not suffering from tuberculosis or miner's consumption, he or she shall be returned to the place of his or her residence, and the expense of transportation to and from the sanitarium shall be paid by the county of which he or she is a resident. Admissions to said sani-

tarium shall be made in the order in which the names of applicants shall appear upon the application book to be kept as above provided by the president of said sanitarium, in so far as such applicants are subsequently certified by the said examining physician to be suffering from tuberculosis or miner's consumption. Every person who is declared as herein provided to be unable to pay for his or her care and treatment, shall be transported to and from the sanitarium at the expense of said local authorities and cared for, treated, and maintained therein at the expense of the county or municipality which would otherwise be chargeable with the support of such poor or indigent persons and the expense of transportation, treatment, maintenance, and the actual cost of articles of clothing furnished by the sanitarium to such poor and indigent persons shall be a county or town charge, as the case may be: *Provided further*, That any soldier, sailor, or marine who has served in the Army or Navy of the United States and was at the time thereof a citizen of or had established his residence in the State of Montana, who on discharge therefrom is found to be suffering from tuberculosis, and whose admission to the Montana State Tuberculosis Sanitarium is requested by the proper Federal authorities, shall be entitled to be admitted thereto and shall be classed for the purpose of admission on the same basis as free patients, and all such soldiers, sailors, or marines shall be given priority for entrance thereto over other applicants in the order in which their applications for admission are received and filed.

The treasurer of the sanitarium shall collect and receive any sum or sums the Federal Government may allow or pay for such purpose and shall pay the same over to the State treasurer.

SEC. 2. That \$20,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any moneys in the State treasury not otherwise appropriated for the construction of any building or buildings at the Montana State Tuberculosis Sanitarium to carry out the provisions of this act and that the veterans' welfare commission is hereby ordered and instructed to market \$20,000 of the bonds authorized to be issued by the regular session of the sixteenth legislative assembly, and that from the money so received the general fund of the State of Montana be reimbursed for the appropriation made and the money expended by this section provided.

State Board of Health—Establishment—Qualifications and Appointment of Members—Qualifications, Appointment, and Salary of Secretary. (Ch. 157, Act Mar. 7, 1919.)

SECTION 1. There is hereby created and established a board to be known under the name and style of the "State Board of Health of Montana." Said board shall be composed of five members, all of whom shall be experienced physicians, legally authorized to practice medicine and surgery in the State of Montana, to be appointed by the governor from a list of not less than 10 names submitted therefor by the Montana Medical Association.

SEC. 2. The governor shall within 30 days after the passage and approval of this act appoint five members who shall possess the qualifications specified in section 1, to constitute the members of said board. Said members shall be so classified by the governor that the term of office of one shall expire in one year, one in two years, one in three years, one in four years, and one in five years. Annually thereafter the governor shall appoint one member who shall possess the qualifications specified in section 1, from a list of not less than five names, submitted by the Montana Medical Association, to serve for a period of five years. That all vacancies in said board caused by death or otherwise shall

be filled by appointment by the governor from a list of not less than five names submitted by said Montana Medical Association.

SEC. 3. At the first meeting of the State board of health, or as soon thereafter as a suitable and competent person can be secured, the board shall elect a secretary, who shall be an educated physician, experienced in sanitary science and qualified to practice medicine in the State of Montana, who by virtue of such election shall be the executive officer and the State health officer. The secretary so elected shall receive in monthly payments an annual salary of \$5,000 to be paid out of the general fund of the State. The board may elect one of its own number secretary, in which case the governor shall appoint another member to complete the full number of the said board.

SEC. 4. That sections 1474 and 1478 of the Revised Codes are hereby repealed.

State Epidemiologist—Qualifications, Appointment, Powers, Duties, and Compensation—Appropriations. (Ch. 76, Act Mar. 3, 1919.)

SECTION 1. The State Board of Health of Montana is hereby authorized and empowered to employ a competent epidemiologist, who shall be known as the State epidemiologist, and shall have the powers of a deputy State health officer under the direction of the secretary of the State Board of Health of Montana, and be subject to the control of said board.

SEC. 2. The duties of the State epidemiologist shall be to study the causes and prevalence of diseases in the State of Montana, to take the proper steps to check such diseases, and to assist the local and county health officers in the suppression of these diseases and perform such other duties as the State board of health may direct.

SEC. 3. The State epidemiologist shall be a regularly qualified physician and surgeon and shall hold office at the discretion of the State Board of Health of Montana; he shall devote his whole time to the duties of the office, and shall receive as compensation for his services such salary as may be fixed by the State Board of Health of Montana, not in excess of \$350 per month, together with his reasonable and necessary travel and subsistence expense while actually travelling in the State on business of his office.

SEC. 4. The sum of \$6,000 is hereby appropriated out of the general funds [sic] of the State for the year 1919 and the sum of \$6,000 for the year 1920, to carry out the purposes of this act.

Local Health Officers—Reports to State Board of Health by. (Reg. Bd. of H., May 29, 1919.)

REG. 45. Each local and county health officer shall, in addition to the weekly reporting of communicable disease, make a report to the secretary of the State board of health once in each month. This report shall set forth the number of cases of each communicable disease reported to him during the month, which number must correspond with the number of card reports sent in by him weekly during the month. The report shall also contain the number of sanitary inspections, the number of disease investigations made by him during the month, the number of orders or quarantine notices issued, and the number of complaints or prosecutions made each month, together with the number of convictions on each. These reports shall be made on blank cards or forms to be furnished by the State board of health and shall be mailed to the secretary of the State board of health not later than the 5th of each month. He shall also make such annual reports as may be required by the secretary of the State board of health on blanks to be furnished by the State board of health. (See sec. 1495, Revised Codes of Montana, 1907.)

Local Health Officers—Records to Be Kept by. (Reg. Bd. of H., May 29, 1919.)

REG. 44. Each local and county health officer is required to keep a record of all communicable diseases reported to him. His record shall be kept in a book, printed in blank form, provided by city, town, or county, and shall present essential information contained on communicable disease report cards provided by the State board of health, as follows: Date of onset of disease; name, age, sex, and residence of the patient while within the jurisdiction of the health officer; where was patient two weeks previous to onset of disease (or probable source of origin of disease); date quarantine was established (if quarantine is required); result (whether patient died or recovered). In case of smallpox or typhoid fever, number of times and when last successfully vaccinated or immunized. In case of diphtheria, was antitoxin used. In addition to this record he shall keep recorded in a book provided for that purpose a copy of all official acts and all orders issued by him, together with the minutes of each meeting of the board of health of which he is secretary.

Conference of Health Officers—Local Health Officers Urged to Attend. (Reg. Bd. of H., May 29, 1919.)

REG. 137. To promote a higher degree of efficiency and cooperation in public health work and a better coordination of activities, it shall be the duty of all local and county health officers to make every effort to attend at least once each year a conference of health officers to advise and confer with, and to receive instructions from State board of health and its divisional heads concerning sanitary and communicable disease conditions in their respective districts and throughout the State. All traveling and other necessary expenses incurred by local or county health officers in attending such conference constitute a legitimate item of expense which should be borne by their respective cities or counties.

Dairy Products—Production, Manufacture, Handling, and Sale. (Ch. 199, Act Mar. 11, 1919.)

SEC. 2. That section 3 of chapter 77 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana be, and the same is hereby, amended to read as follows:

SEC. 3. *Duties of State dairy commissioner.*—It shall be the duty of the State dairy commissioner or his deputies to inspect or cause to be inspected all creameries, dairies, butter, cheese, condensed-milk, or ice-cream factories, or any place where milk or cream or their products are produced, handled, or stored within the State, at least once a year, or oftener, when desired by said commissioner. He shall cooperate with the State, local, and county health officers in their efforts to produce a clean milk supply in the different towns of the State. The regular dairy inspection of the State shall be under the jurisdiction of the dairy commissioner, but this shall not be construed as to exclude the State, local, or county health departments from making inspections when such health department[s] have reason to believe, or suspect that impure dairy products, liable to cause disease, are being sold to the public. None of the establishments named in this section shall hereafter be required to procure any license from the State board of health of the State of Montana: *Provided, however,* That all licenses now issued by the State board of health shall continue in effect for the period of said license, unless canceled by the dairy commissioner for good cause shown. The said board of health shall not be required to inspect said establishments or any of them: *Provided, however,* That in case an epidemic

shall at any time prevail in any community, the State board of health shall have jurisdiction to inspect any of the establishments named in this section for the purpose of ascertaining whether or not said contagion is caused by milk or any other dairy product, and thereupon the said board of health shall have power to make and enforce such sanitary rules and regulations governing said establishments as it may see fit.

It shall be the duty of the said dairy commissioner to act upon all reports or complaints that he may receive from owners and managers of public dairies, creameries, butter, cheese, condensed-milk, and ice-cream factories, or other persons, wherein it is reported to him the names and locations of one or more producers of milk, cream, butter, cheese, condensed milk, or ice cream who are offering for sale milk, cream, butter, cheese, condensed milk or ice cream that is not fresh and clean, and in such instances he may inspect barns or farm houses, creameries, factories, or other places where dairy products or utensils are produced, kept, stored, handled, or sold, and he may give advice and instruction in the proper performance of the work, and he may prohibit the sale of unclean or unwholesome milk, cream, butter, cheese, condensed milk, or ice cream.

It shall be his duty to condemn for food purposes all unclean or unwholesome milk, cream, butter, cheese, condensed milk, or ice cream wherever he may find them. This is to include all dairy products produced or manufactured where proper rules of sanitation are not observed.

That where he condemns unclean or unwholesome dairy products, said products must be so treated as to render impossible the manufacture or renovation of such products for human food.

The said dairy commissioner shall likewise have authority to promulgate and enforce regulations not inconsistent with the provisions of this act or with the provisions of any other law of the State of Montana for the regulation of dairy farms, retail dairies, cheese factories, milk plants, creameries, ice cream factoris, and other dairy institutions. Said commissioner shall likewise adopt all needful rules and regulations for the efficient and uniform enforcement of this act throughout the State.

In all cases where the State dairy commissioner or any of his deputies shall find evidence that any of the provisions of this act or any of the provisions of any other law of the State of Montana relating to dairy products, have been violated, it shall be the duty of such commissioner or deputy to file complaint in some justice court having the jurisdiction of said offense, and it shall be the duty of the county attorney of such county to prosecute said action.

It shall be the duty of the said dairy commissioner to compile and publish statistics concerning all phases of the dairy industry of the State of Montana, and it shall further be his duty to encourage and advertise the dairy industry in said State and to gather information and statistics relative thereto, and to act in conjunction with the bureau of publicity of this State for the purpose of giving as much publicity as possible to said statistics and information.

For the purpose of carrying out the provisions of this section, he shall be authorized to use the moneys received from the license schedule, hereinafter provided for by this act.

It shall be the duty of the State dairy commissioner to cooperate with and act in conjunction with the Montana State Agricultural College in the carrying out of the duties of his office as herein provided, and that they together hold farm institutes and special dairy meetings for the advertising of the production and manufacture of dairy products.

The said State dairy commissioner and his deputies are hereby authorized, and it shall be his [their] duty to enter at any time all creameries, public

dairies, cheese, condensed milk, and ice cream factories, or other places where dairy products are manufactured, produced, stored, or kept for sale or transportation, for the purpose of inspecting the same; to take at any place samples of dairy products and all imitations thereof, suspected of being made or sold in violation of the law, and to analyze or test same; said commissioner may, if he so desires, require the chemist of the State pure food department to test and analyze said samples.

The State dairy commissioner or his deputies shall have the power to examine under oath or otherwise any person whom they believe has knowledge concerning the violation of any provision of this act.

The said State dairy commissioner shall make an annual report to the governor not later than January 1 of each year.

SEC. 3. That section 4 of chapter 77 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana is hereby amended to read as follows:

SEC. 4. For the enforcement of the sections of this act "sanitary" will mean that all creameries, dairies, butter, cheese, condensed-milk, or ice-cream factories or any place where milk, cream, or any other of their products are produced, handled, or stored within the State shall score as much as 65 per cent of the Government score card or modifications thereof, suitable to the conditions of Montana. Each inspector or person authorized by the State to make such inspection shall leave the owner or proprietor a duplicate of score card.

All barns, stables, or other buildings in which dairy cattle are housed or stabled shall be of such proportion as to allow 350 cubic feet of air space for each and every cow therein. All such buildings must be lime washed throughout at least once every year and have 2 square feet opening for every animal stabled therein, but the specifications as herein prescribed shall not be deemed to apply to persons who milk but five cows or less.

No other animals shall be kept in the same barn wherein milch cows are kept unless an air-tight partition separate all other animals from said milch cows.

All manure accumulating in such buildings to be removed at least once every 24 hours, and during the months May to September, inclusive, of each year, must be deposited at a distance not less than 50 feet from such buildings.

The State dairy commissioner shall keep a record of each inspection with the address of the premises inspected, and shall record the number of cows kept and the quality of dairy products handled.

That there is hereby added to chapter 77 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana a new section to be known as section 3a, which said section is as follows:

SEC. 3a. *Licenses.*—It shall be unlawful for any person, firm, or corporation to conduct any creamery, dairy, butter, cheese, condensed-milk, or ice-cream factory within the State of Montana without first receiving a license issued by the State dairy commissioner, which license shall expire on the last day of December of the current year of which it is issued: *Provided, also,* That said license may be revoked at any time by the State dairy commissioner whenever he shall determine that a licensee has failed to comply with the rules and regulations of the commissioner, or failed to conduct said establishment in a sanitary manner.

For the purpose of this section, the term "dairy" shall include every person, firm, or corporation in the State of Montana, keeping and milking five or more cows, and selling any milk or cream therefrom. All license fees collected under the terms of this act shall be paid into the general fund.

The following schedule of license fees shall be charged for all licenses issued by the State dairy commissioner under the terms of this act.

Schedule of license fees:

Dairies of 10 cows or less retailing milk or cream, \$1 a year.

Dairies of over 10 cows and less than 20 retailing milk or cream, \$2.50 a year.

Dairies of over 20 cows and less than 30 retailing milk or cream or both milk and cream, \$3.50 a year.

Dairies of over 30 cows and less than 40 retailing milk or cream or both milk and cream, \$5 a year.

Dairies of over 40 cows retailing milk or cream or both milk and cream, \$10 a year.

Cheese factories and creameries of an annual output of less than 100,000 pounds, \$5 a year.

Cheese factories and creameries of an annual output of over 100,000 pounds, \$10 a year.

Cheese factories and creameries of an annual output of over 500,000 pounds, \$25 a year.

Ice cream factories engaged only in the manufacture of ice cream, and having an annual output of less than 6,000 gallons, \$5 a year.

Ice cream factories with an annual output of more than 6,000 and less than 15,000 gallons, \$10 a year.

Ice cream factories with an annual output of 15,000 gallons or over, \$25 a year.

Milk plants and pasteurizing plants shall pay an annual license fee of \$10.

In order to enforce the provisions of this section, the dairy commissioner and his deputies shall have the power to require a sworn statement by the owner or manager of any of the establishments enumerated herein, showing the output of said establishment.

SEC. 4. That section 5 of chapter 77 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana is hereby amended to read as follows:

SEC. 5. *Definitions.*—Milk is the fresh, clean lacteal secretion obtained by the complete milking of one or more healthy cows, properly fed and kept, excluding that obtained within 15 days before and 5 days after calving, and contains not less than 8.5 per cent of solids not fat, and not less than 3.25 per cent milk fat.

Adulterated milk is milk containing more than 88 per cent water and less than 11.75 per cent of total solids, 8.5 per cent solids not fat, and 3.25 per cent fat, except milk for manufacture; milk which has been diluted with water or into which has been introduced any foreign substance whatever. This includes all substances added for the purpose of preserving, coloring, and thickening milk or cream, or milk handled in an unsanitary manner.

Cream is that portion of milk, rich in milk fat, which rises to the surface of milk on standing, or is separated from it by centrifugal force, fresh and clean, and contains not less than 20 per cent of milk fat.

Butter is the clean accumulated milk fat from unadulterated milk or cream with or without the addition of salt or coloring matter, contains not less than 82.5 per cent of butter fat and not more than 16 per cent water.

Cheese is the sound, solid, and ripened product made from milk or cream by coagulating the casein thereof with rennet or lactic acid, with or without the addition of ripening ferments, seasoning, and coloring matter, and contains, in the water-free substance, not less than 50 per cent of milk fat.

Ice cream is the frozen product made from cream, gelatine, and sugar, with or without flavoring. No ice cream shall contain more than 1 per cent pure gelatine. Plain or vanilla ice cream shall contain not less than 10 per cent of milk fat and nut or fruit ice cream shall contain not less than 9 per cent milk fat. All ice cream shall contain not less than 33 per cent total solids, and a gallon of ice cream shall weigh not less than 4 pounds.

Oleomargarine, butterine, imitation butter or imitation cheese are substances made in imitation of butter or cheese, but not entirely from pure milk or cream in the usual way. They may be construed to mean any article or substance into which any oil, lard, or fat produced milk or cream enters as a component part.

SEC. 5. That section 7 of chapter 77 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana is hereby amended to read as follows:

SEC. 7. * * *

Cleaning vessels before return.—Whenever any cans, vessels, or other receptacles used in the transportation of milk, cream, or their products are returned to the producer for a fresh shipment of the product, they must be thoroughly cleaned by washing, rinsing, and scalding, so as to make their condition sanitary and suitable as a receptacle for fresh milk and cream or their products.

No person shall place or suffer to be placed in any such can or receptacle any sweeping, dirt, filth, or any animal or vegetable substance tending to produce or promote an unsanitary condition.

Milk, cream, or ice cream shall not be handled in cans rusted inside.

SEC. 6. That section 8 of chapter 77 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana is hereby amended to read as follows:

SEC. 8. *Unsanitary places and appliances for milk.*—No person shall produce or keep milk or any of its products intended for sale, or exchange, in any building or place where conditions are unsanitary and unfavorable to the production of wholesale foods.

No building or room which is used for the manufacture of butter, cheese, or ice cream shall be located sufficiently near to any other shop, plant, or mechanical or industrial establishment of any sort, as to be contaminated thereby.

SEC. 7. That section 10 of chapter 77 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana is hereby amended to read as follows:

SEC. 10. *Reporting factories.*—It shall be the duty of every cheese factory, creamery, butter, and condensed milk factory, or skimming station, in the State, where milk or cream is purchased or contributed by three or more persons, to register the location of such cheese factory, creamery, butter, or condensed milk factory, or skimming station, and the name of its owner or manager with the dairy commissioner on or before the 1st day of April of each year. Before the organization of any new factory, notice shall be given at once to said dairy commissioner. It shall likewise be the duty of each and all the establishments in this section named to render to the State dairy commissioner within three days after the last day of each month a monthly report of the amount of butter, ice cream, or other dairy products handled or manufactured during the month.

* * * SEC. 12. All milk, butter, cheese, condensed milk, ice cream, or any dairy products shipped into Montana, for sale or use must be produced under the same sanitary regulations and requirements as are required for the production

of such products in the State of Montana. The State dairy commission shall have authority to require a sworn statement relative to the sanitary production of milk and other dairy products shipped into Montana, but produced outside of the State of Montana, and if such products are not produced under similar sanitary regulations and statutes as required for the production of such products within the State of Montana they shall not be sold, given away, traded, or used in the State of Montana.

* * * * *

Hotels—Sanitary Regulation—Inspection. (Ch. 36, Act Feb. 21, 1919.)

SECTION 1. Every building or structure kept, used, or maintained as, or advertised as, or held out to the public to be an inn, hotel, or public lodging house or place where sleeping accommodations are furnished for hire to transient guests, whether with or without meals, in which five or more rooms are used for the accommodation of such transient guests, shall maintain an office and register and for the purpose of this act shall be deemed to be a hotel, and wherever the word "hotel" shall occur in this act, it shall be construed to mean every such structure as described in this section.

SEC. 2. Every hotel shall be well constructed, plumbed, and drained according to established sanitary principles; shall be kept clean and in a sanitary condition, free from effluvia arising from any sewer, drain, privy, or other source within control of owner, manager, agent, or other person in charge. All hotels in cities, towns, and villages where a system of waterworks and sewers is maintained for public use shall be equipped with suitable lavatories and toilet facilities, within the building, for the accommodation of its guests. The sewer must be connected with the public sewer system. Public wash rooms must be supplied with clean individual towels or paper towels. Use of the common roller towel is absolutely prohibited. All hotels in cities, towns, or villages not having a public sewer system or waterworks, shall have properly constructed privies, vaults, or other sanitary devices, which shall always be kept clean, properly ventilated, and well screened from insects and rodents, and shall be provided with tight-fitting self-closing doors. All toilets or privies shall be lighted. The wall or partition between the apartments must be tight. A separate apartment with separate entrance, properly designated and screened from public view, must be provided for each sex. Where septic tanks are installed, they must be constructed according to plans approved by the State board of health.

SEC. 3. All bedrooms shall be kept free from vermin, and the bedding shall be clean and sufficient in quantity and quality; all sheets shall be at least 8 feet long; each guest shall at all times be furnished with two clean towels; in case bedrooms are carpeted, the carpet or carpets thereon shall be taken up and thoroughly cleaned at least once each year; and in all hotels where 50 cents or more per night is charged for lodging, the sheets and pillow cases shall be changed after the departure of each guest.

SEC. 4. No rusted tin or iron vessel or utensil shall be used in cooking food, and all foodstuffs shall be kept in a clean and suitable place, free from dampness and contamination; the closets, cupboards, refrigerators, and the floors and walls of all kitchens and dining rooms shall be, at all times, kept free from dirt, and no dust or greases [sic] shall be allowed to collect thereon.

SEC. 5. No ashes from any hotel shall be dumped or kept in or adjacent thereto, or in any outhouse connected with any hotel unless the same be placed in a tight metal container with a tight metal lid kept thereon, or be disposed of in such manner as to eliminate any possibility of fire and public nuisances.

SEC. 6. Whenever any room in any hotel shall have been occupied by any person having a contagious or infectious disease, the said room shall be thoroughly fumigated under the direction of the health officer, and all bedding therein thoroughly disinfected, before said room shall be occupied by any other person; but, in any event, such room shall not be let to any person for at least 24 hours after such fumigation or disinfection.

SEC. 7. The State board of health shall adopt all needful rules and regulations for the thorough and uniform enforcement of the provisions of this act throughout the State.

SEC. 8. It shall be the duty of the State board of health and it shall have power, jurisdiction, and authority to engage or appoint such assistants or inspectors as may be needed in enforcing the provisions of this act and the rules and regulations as provided for under section 7 of this act. Such inspectors or appointees shall possess such qualifications as the State board of health may determine are necessary to successfully carry on the work. The State boards of health shall also fix their compensation and shall assign to them their duties.

SEC. 9. If the inspector shall find, after the examination of any hotel, that the provisions of this act and the rules and regulations of the State board of health adopted in conformity therewith have been fully complied with he shall issue a certificate to that effect to the person operating the same, and said certificate shall be posted in a conspicuous place in said inspected building.

SEC. 10. It shall be the duty of the inspector, upon ascertaining, by inspection or otherwise, that any hotel or other place or thing required or allowed by this act to be inspected is being carried on contrary to the provisions of this act, to make complaint and cause the arrest of the person so violating the same, and it shall be the duty of the county attorney in such case to prepare all necessary papers and conduct such prosecution: *Provided however*, That no prosecution shall follow until such time as the person conducting or operating such hotel, public inn, or lodging house has been notified wherein such hotel, public inn, or lodging house fails to meet the requirements of this act or the rules and regulations of the State board of health, and such time to remedy the failure as the State board of health or its representatives may rule.

SEC. 11. All moneys collected for fines under this act shall be turned over to the State treasurer, who shall deposit them to the credit of the State board of health hotel fund. Said fund shall be used by the State board of health to enforce and carry out the provisions of this act, and the State auditor shall draw his warrant for claims against this fund after such claims have been approved by the State board of examiners.

SEC. 12. It shall be the duty of every person conducting or operating a hotel, public inn, or lodging house to have available at all times in the lobby, office or other convenient place, an ample supply of drinking water, pure and free from contamination. The source of supply must be far enough removed from privy vaults or other means of contamination to prevent drainage from said vaults to the wells or other source of supply, and the water supply shall be subject to examination by the State board of health and, when found unfit for drinking purposes, its use must be discontinued forthwith.

SEC. 13. Each owner, manager, agent, or person in charge of a hotel, or other business mentioned in this act, who violates any provisions of this act shall be deemed guilty of a misdemeanor and shall be fined not less than \$10, nor more than \$100, or shall be imprisoned in the county jail for not less than 10 days nor more than 3 months, or both, and every day that such hotel is carried on in violation of this act shall constitute a separate offense.

SEC. 14. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 15. This act shall be in full force and effect from and after July 1, 1919.

Soft-Drink Establishments—Sanitary Regulation—Employees. Soft Drinks—Contents—Labeling. (Reg. Bd. of H., July 8, 1919.)

REG. 62. *Manufacturing rooms.*—(a) Floors, walls, and ceilings of all rooms wherein beverages are prepared shall be kept clean and in good condition. Floors shall be constructed of material impervious to water and provided with proper sewer connections to facilitate cleaning.

(b) All outside doors, windows, and other openings shall be fitted with self-closing screen doors and wire window screens of not coarser than 14-mesh wire gauge.

(c) All the utensils used in manufacturing beverages shall be thoroughly cleaned after each use thereof, and when not in use shall be properly protected from dirt, insects, and rodents.

(d) No person suffering from any communicable disease shall be employed in any capacity in any bottling works.

(e) Any person who has been afflicted with typhoid fever shall not be employed in any bottling works until it has been definitely determined that such person is not a typhoid carrier.

(f) Every such plant shall be provided with a toilet room and wash room conveniently located for the use of the employees. Each wash room shall be provided with clean running water, soap, and clean towels, and employees shall, after visiting the toilet, wash their hands and arms with soap and water.

(g) All water used in the manufacture of beverages, or in the washing of utensils [shall] be from a supply which has been approved by the State board of health.

(h) Persons employed in the establishment must, while working, wear clean clothing, preferably white.

REG. 63. *Storerooms and stock materials.*—(a) A separate storeroom shall be provided for all sirups, sugars, extracts, and other materials used in the preparation of beverages. Such storerooms shall be constructed in a manner which will at all times protect stock materials from contamination and unnecessary deterioration.

(b) The use of noninjurious vegetable colors is permitted. In the case of coal-tar dyes, those certified dyes may be used which are declared permissible in foods, according to the food-inspection decision of the Bureau of Chemistry, United States Department of Agriculture.

(c) The use of saccharin in any article of food or drink is prohibited.

(d) The use of any cap or stopper which permits metal to come in contact with the contents of a bottle is prohibited.

REG. 64. *Labeling of beverages.*—(a) The following information shall appear upon the principal label: First, name of manufacturer; second, place manufactured; third, net content in terms of fluid ounces. In addition to this information, in case artificial coloring or flavoring or both have been used, there shall appear a declaration of that fact in not smaller than 8-point type.

(b) If a sugar other than sucrose is used a declaration of this fact must also appear in not less than 8-point type.

Common Drinking Cups—Prohibited in Public Places. Eating and Drinking Places—Cleaning of Utensils. (Reg. Bd. of H., May 29, 1919.)

REG. 97. No person, company, or corporation having charge or control of any hotel, restaurant, boarding house, theater, store, hall, schoolhouse, or other public place frequented by the public shall furnish any cup, glass, spoon, knife, fork, vessel, dish, or other receptacle to be used by more than one person until such cup, glass, spoon, knife, fork, vessel, dish, or other receptacle be properly cleansed after each use thereof.

No person, company, or corporation having charge of any pool hall, soda fountain, ice-cream parlor, soft-drink parlor, or other place where drinks or refreshments are sold, given, or served to the public shall furnish any cup, glass, spoon, knife, fork, vessel, dish, or other receptacle to be used by more than one person, until such cup, glass, spoon, knife, fork, vessel, dish, or other receptacle be properly cleansed after each use thereof.

Washing with cold water alone can not be considered a satisfactory method of cleansing the above-named articles and for the guidance of those parties affected by this regulation the following three methods are given, any one of which may be used.

First, washing and subsequent sterilization by placing in boiling water for a period of three minutes or subjecting to live steam for the same length of time.

Second, washing with hot water and soap.

Third, washing with water and washing powder.

Clean running water shall be provided for washing purposes in all above-named establishments when such establishments are located in towns or cities wherein a public supply of water is available.

After washing, all glassware, tableware, and all other utensils shall be rinsed in clean water.

All towels or cloths used in wiping or polishing glasses, dishes, spoons, and other utensils shall be clean.

Births and Deaths—Local Registrars and Subregistrars Required to File Returns of, with County Clerks—Certified Copies of Records. (Ch. 68, Act Mar. 1, 1919.)

SECTION 1. That every local registrar and subregistrar of births and deaths, provided for by section 1766 of the Revised Codes of Montana, in addition to sending to the State registrar the returns required by law, must file duplicate returns with the county clerk [of the county] in which said registrars are located, which returns so filed must be entered by the county clerk in the respective registers of births and deaths, required by section 1763 of the Revised Codes of Montana, 1907.

SEC. 2. That all local registrars and subregistrars in the State of Montana must within 90 days after the passage and approval of this act prepare copies of all the returns on file in their respective offices heretofore filed and entered in their offices, showing record of all births and deaths appearing in their respective records, and must send such copies of such returns to the county clerk of the county in which they are resident, and shall receive as a fee for preparing and sending such copies of such records 10 cents for each of such records, which sum shall be paid by the board of county commissioners on presentation of duly verified claims, showing the number of returns so certified and filed with the county clerk.

SEC. 3. Every county clerk is required to issue a certified copy of a record of birth or death upon demand of any such record on file in his office, and shall receive on behalf of the county as the fee for such certified copy the sum of 25 cents.

Burial Permits. Burial of Bodies Dead of Communicable Diseases—Observance of Regulations. (Reg. Bd. of H., May 29, 1919.)

REG. 100. The burial permit (form V. S. No. 5) must be delivered by the person acting as undertaker to the sexton or person in charge of the burial grounds, and be by him returned to the local or subregistrar of the district in which the body was buried within 10 days from date of burial. If there be no sexton or other person in charge of the burial grounds, then the person acting as undertaker shall deliver the burial permit to the registrar of the district in which the body was buried within 10 days from date of burial.

Local registrar shall forward with his regular monthly return to the State registrar all burial permits returned to him as prescribed in preceding paragraph, retaining stub copy for his own files.

Undertakers are responsible for the strict observance of the regulations of the State board of health relative to the burial of bodies dead of communicable diseases.

Confiscated Intoxicating Liquors—Delivery to and Use by County Boards of Health. (Ch. 164, Act Mar. 7, 1919.)

SECTION 1. Whenever any intoxicating liquors, as defined by section 2 of chapter 143 of the Fifteenth Legislative Assembly of the State of Montana, by Session Laws of 1917, are confiscated and judgment rendered for the forfeiture and destruction of the same, under any of the laws of this State enacted for the purpose of suppression of the liquor traffic, commonly called prohibition laws, the court or judge may, in his discretion, enter a judgment and order that such intoxicating liquors be delivered by the officer having the custody of the same to the county board of health of the county where such liquors were found.

SEC. 2. Whenever delivery is made of liquors to the county board of health, as provided in section 1 of this act, it shall be the duty of the county board of health to furnish to the officer delivering the same a receipt for all such liquors so received, and a duplicate thereof shall be filed with the clerk of the court in the proceedings in which the liquor was confiscated, and with the State board of health, such receipt to specify the exact character and quantity of the liquor so received.

SEC. 3. All intoxicating liquors so received by county boards of health under the provisions of this act shall be held and kept solely for medicinal purposes and be issued by the county board of health upon their approval and the approval of the State board of health for such uses.

SEC. 4. Each county board of health shall transmit to the State board of health all such intoxicating liquors so confiscated as may be in excess of the prospective uses of the county in which the same were seized. The State board of health shall have the privilege of applying to the district court of the particular county in which any liquors shall be confiscated for an order for the destruction of the same.

NEBRASKA.

Civil Administrative Code—Establishment, Powers, and Duties of Department of Public Welfare—Appointment, Powers, Duties, and Salary of the Secretary of Public Welfare—General Provisions Applicable to Department. Communicable Diseases—Reports of Cases—Adoption and Enforcement of Regulations to Prevent Spread. Common Drinking Cups—May be Prohibited in Public Places. Births and Deaths—Registration. Maternity Homes and Homes for Infants—Licensing and Regulation. Venereal Diseases—Adoption of Necessary Rules for Control and Suppression of. (Ch. 190, Act Apr. 19, 1919.)

TITLE I. EXECUTIVE DEPARTMENT.

ARTICLE I. GENERAL PROVISIONS.

SECTION 1. *Civil administration vested in governor.*—The civil administration of the laws of the State is hereby vested in the governor. For the purpose of aiding the governor in the execution and administration of the laws, the executive and administrative work shall be divided into the several departments enumerated in section 2 of this article.

SEC. 2. *Executive and administrative departments.*—There are hereby created and established the following departments of the State government.

* * * * *

The department of public welfare.

* * * * *

SEC. 3. *Departmental secretaries.*—To aid the governor in carrying out the constitutional duties, vested in him as the supreme executive, each department shall have a departmental officer who shall be known as "secretary," who shall, subject to the provisions of this act, and under the general direction of the governor, execute the power and discharge the duties vested by law in his respective department. Such officers shall be designated as follows:

* * * * *

The secretary of public welfare, for the department of public welfare.

* * * * *

SEC. 4. *Salaries of secretaries.*—The secretaries of the respective departments created by this article shall receive annual salaries in monthly or yearly periods as follows:

* * * * *

The secretary of public welfare shall receive \$5,000.

* * * * *

SEC. 5. *Assistants; appointment; salaries; terms, etc.*—The governor shall, in each department, have power to appoint such deputies, assistants, employees, and clerical help as shall be necessary or essential to the economical but efficient and proper enforcement and administration of the laws of the State, and shall at the same time fix the salaries of such appointees and prescribe their duties. The

governor shall also have power to discontinue the service of any such secretary or employee when, in his judgment, the same is not longer necessary. Such appointee may be required to serve in one or more departments and may be transferred from one department to another from time to time as efficient but economical administration shall require. The governor shall confer with the secretaries of the several departments and the secretaries shall make recommendations to the governor from time to time relative to appointments, services, salaries, and duties of the appointees for their respective departments. In providing for deputies, assistants, employees, or clerical help the total expenditures for the biennium shall not exceed the appropriation made by the legislature for said departments.

SEC. 6. *Secretaries and appointees to devote their entire time to office.*—Each secretary and each appointee in each department shall devote his entire time to the duties of his office and shall hold no other office or position for profit. No appointee in any of the departments shall be a relative of any of the secretaries of departments created by this act.

SEC. 7. *Secretaries; appointed how.*—Each secretary of each department created by this act shall be appointed by the governor, by and with the advice and consent of the senate. In any case of vacancy in such offices during the recess of the senate, the governor shall make a temporary appointment until the next meeting of the senate, when he shall nominate some person to fill such office; and any person so nominated, who is confirmed by the senate, shall hold his office during the remainder of the term and until his successor shall be appointed and qualified. If the senate is not in session at the time this act takes effect the governor shall make a temporary appointment as in case of a vacancy.

SEC. 8. *Same; term of office.*—Each secretary whose office is created by this act shall hold office for a term of two years from the first Thursday after the first Monday in January next after the election of the governor and until his successor is appointed and qualified, unless sooner removed by the governor.

SEC. 9. *Same; oath of office.*—Each secretary, deputy, and assistant in each department created by this act shall, before entering upon the duties of his office, subscribe and take the constitutional oath of office, which shall be filed in the office of the secretary of state.

SEC. 10. *Same; bond.*—Each secretary, deputy, and assistant in each department created by this act shall, before entering upon the discharge of the duties of his office, give bond, with security to be approved by the governor, not less in any case than \$10,000, conditioned for the faithful performance of his duties, which bond shall be filed in the office of the secretary of state.

SEC. 11. *Secretary makes rules and regulations for department.*—The secretary of each department is empowered to prescribe regulations, not inconsistent with law, for the government of his department, the conduct of its employees and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, books, documents, and property pertaining thereto.

SEC. 12. *Department offices; branches.*—Each department shall maintain a central office in the capitol at Lincoln, Nebr., in rooms provided therefor. The secretary of each department may, in his discretion and with the approval of the governor, establish and maintain, at places other than the seat of government, branch offices for the conduct of any one or more functions of his department.

SEC. 13. *Department offices; when open and close.*—Each department shall be open for the transaction of business at least from 8 o'clock in the morning

until 5 in the evening of each day except Sundays and days declared by statutory enactment or proclamation of President or governor to be holidays.

SEC. 14. *Official seal of department.*—Each department shall adopt an official seal.

SEC. 15. *Hours of labor.*—All secretaries, deputies, assistants, and employees in the several departments shall render not less than eight hours of labor each day, Saturday afternoon, Sundays, and days declared by statutory enactment or proclamation of the President or governor to be holidays excepted.

SEC. 16. *Leaves of absence.*—Each secretary and appointee in the several departments shall be entitled during each calendar year to 14 days' leave of absence with full pay. In special and meritorious cases where to limit the annual leave to 14 days in any one calendar year would work peculiar hardship, it may, in the discretion of the governor, be extended.

SEC. 17. *Payment for extra services; reports.*—No secretary or employee in the several departments, employed at a fixed compensation, shall be paid for any extra services, unless expressly authorized by law. Each secretary of a department shall annually, on or before the 1st day of December, and at such other times as the governor may require, report in writing to the governor concerning the condition, management, and financial transactions of his department.

SEC. 18. *Coordination among departments.*—The secretaries of departments shall devise a practical working basis for cooperation and coordination of work, eliminating duplication and overlapping of functions. They shall, so far as practicable, cooperate with each other in the employment of help and the use of quarters and equipment.

SEC. 19. *Receipts by departments; paid to State treasury.*—The gross amount of money received by every department, from whatever source, belonging to or for the use of the State, shall be paid into the State treasury, without delay, not later in any event than 10 days after the receipt of the same, without any deduction on account of salaries, fees, costs, charges, expenses, or claims of any description whatever. No money belonging to or for the use of the State shall be expended or applied by any department except in consequence of an appropriation made by law and upon the warrant of the auditor of public accounts.

SEC. 20. *Supplies; how purchased.*—Supplies for the several departments, except in cases of emergency and in the case of perishable goods, shall be purchased in large quantities and contracts therefor shall be let to the lowest responsible bidder. Advertisements for bids for furnishing such supplies shall be published for at least three days in one or more English-language newspapers, published in each of the five largest cities of the State, determined by the then last preceding Federal census, and also in one secular English-language newspaper, selected by the department of finance by competitive bidding in the same manner as it is herein provided other contracts may be let, and designated as an "official newspaper," which newspaper so selected shall continue to be the official newspaper for a period of one year from the time of its selection. The proposals shall be publicly opened on the day and at the hour and place mentioned in the advertisement and any and all bids may be rejected, and when rejected a readvertisement shall be made in the manner above provided: *Providing*, That no specifications prepared for proposals to bid as herein provided shall call for private brands or particular manufacture.

SEC. 21. *Powers of departments; reciprocal duties.*—Whenever in this act power is vested in a department to inspect, examine [or], secure data or information, or to procure assistance from another department, a duty is hereby

imposed upon the department upon which demand is made, to make such power effective.

SEC. 22. *Powers, duties, rights, documents, and property of existing offices to be transferred to department.*—Whenever rights, powers, and duties which have heretofore been vested in or exercised by any officer, board, commission, institution, or department, or any deputy, inspector, or subordinate officer thereof are, by this act, transferred, either in whole or in part, to or vested in a department created by this act, such rights, powers, and duties shall be vested in, and shall be exercised by, the department to which the same are hereby transferred, and not otherwise, and every act done in the exercise of such rights, powers, and duties shall have the same legal effect as if done by the former officer, board, commission, institution, or department, or any deputy, inspector, or subordinate officer thereof. All books, records, papers, documents, property, real and personal, unexpended appropriations, and pending business in any way pertaining to the rights, powers, and duties so transferred to or vested in a department created by this act, shall be delivered and transferred to the department succeeding to such rights, powers, and duties.

SEC. 23. *Reports, notices, papers, documents; to be given and served upon department heads; saving clause.*—Whenever reports or notices are now required to be made or given, or papers or documents furnished or served by any person to or upon any officer, board, commission, or institution, or deputy, inspector or subordinate thereof, abolished by this act, the same shall be made, given, furnished, or served in the same manner to or upon the department upon which are devolved, by this act, the rights, powers, and duties now exercised or discharged by such officer, board, commission, or institution, or deputy, inspector or subordinate thereof. This act shall not affect any act done, ratified, or confirmed, or any right accrued or established, or any action or proceeding had or commenced in a civil or criminal cause before this act takes effect; but such actions or proceedings may be prosecuted and continued by the department having jurisdiction under this act of the subject matter to which litigation or proceeding pertains.

SEC. 24. *Investigations; power to administer oath, summon and compel the attendance of witnesses.*—Each department created by this act shall have power through its secretary, any deputy, or assistant, or employee, when authorized by the secretary, to make a thorough investigation into all the books, papers, and affairs of any person, firm, or corporation when, in the judgment of such department, such examination is necessary to the proper performance of its duties and the efficient enforcement of the laws, within the purview of its power and authority fixed by this act, in so doing to administer oaths and affirmations and to examine on oath or affirmation any person, officer, agent, or clerk of any firm or corporation touching the matters which, in the judgment of such department, ought to be inquired into and to examine and to summon and, by attachment, compel the attendance of any person or persons in this State to testify under oath before such department or its secretary or any deputy or any assistant or employees thereof in relation thereto.

SEC. 25. *Power of departments to administer laws assigned to them.*—Except as otherwise provided by this act, each department shall have exclusive supervision, regulation, and general control over the enforcement, execution, and administration of the laws relating to the several subjects and matters assigned in this act to the departments respectively.

TITLE VI. DEPARTMENT OF PUBLIC WELFARE.

ARTICLE I. GENERAL POWERS.

SECTION 1. *Scope.*—The department of public welfare shall have general supervision and control over matters relating to public health, sanitation, and the general public welfare; and shall provide for examination as in this title provided; and enforce the provisions of this title; and have supervision over all matters of quarantine and quarantine regulations.

[ART. II.] DIVISION VIII. CONTAGIOUS DISEASES.

SECTION 1. (2737) *County board prevent contagious diseases.*—The county boards of the several counties shall make and enforce regulations to prevent the introduction and spread of contagious, infectious, and malignant diseases in their respective counties; to that end they shall make and enforce quarantine rules, and establish in each county a board of health. One member of the board of health shall be a legally registered physician; the board shall have jurisdiction throughout all the territory comprising said county, except incorporated cities and villages having the power to establish boards of health and quarantine regulations. When quarantine rules and regulations have not been made and a board has not been appointed as above provided for, the county board of supervisors or commissioners shall enforce the quarantine rule and regulations of the State board of health.

SEC. 2. *Department of public welfare; rules; quarantine.*—The department of public welfare shall have supervision and control of all matters relating to necessary sanitation and quarantine; the department shall formulate, adopt and publish such proper and reasonable rules and regulations as will best serve to promote sanitation throughout the State, and prevent the introduction or spread of disease. In addition to such general and standing rules and regulations, in cases of emergency wherein the health of the people of the entire State or any locality therein shall be menaced by or exposed to any contagious, infectious, or epidemic disease or diseases arising from insanitary conditions, or when a local board of health having jurisdiction of a particular locality shall fail or refuse to act with sufficient promptitude and efficiency in any such emergency, or in localities wherein no local board of health shall have been established, as provided by law, the department of public welfare shall adopt and enforce special quarantine and sanitary regulations such as the occasion and proper protection of the public health may require. All necessary expenses incurred in the enforcement of such rules and regulations shall be paid by the city, village, or county for and within which the same shall have been incurred. All officers and other persons shall obey and enforce such quarantine and sanitary rules and regulations as may be adopted by the department of public welfare. Any person who shall fail, neglect, or refuse to obey or enforce such rules or regulations shall, upon conviction, be fined not less than \$15 or more than \$100 for each offense.

SEC. 3. (3740) *Contagious diseases reported to department.*—All boards of health and physicians in localities where there are no boards of health, or where such boards fail to act, shall report to the department of public welfare promptly upon the discovery thereof the existence of any one of the following diseases, viz: Asiatic cholera, yellow fever, smallpox, scarlet fever, diphtheria, typhus and typhoid fever, and such other contagious and infectious diseases as the State board of health may from time to time specify. Any member of the board of health, or other officer or physician, knowing of the existence of any

such disease, who shall fail promptly to report the same in accordance with the provisions of this section, shall be deemed guilty of misdemeanor, and upon conviction thereof shall be fined in any sum not less than \$10 nor more than \$100 for each offense.

SEC. 4. (2743) *Common drinking cup; department may prohibit use.*—To prevent the spread of communicable diseases, the department of public welfare may prohibit in such public places, vehicles, or buildings as it may designate the use of a common drinking cup and to [may?] establish rules and regulations for this purpose.

SEC. 5. (Ch. 181, 1917) *Duties of department.*—It shall be the duty of the department of public welfare, in addition to others provided by law, to secure and maintain in all parts of the State an efficient registration of births and deaths, and official record and notification of reportable diseases; to provide popular literature upon the different branches of public health and distribute the same free throughout the State in a manner best calculated to promote that interest; to prepare and exhibit in the different communities of the State public health demonstration[s] accompanied by lectures and moving pictures and in all other effective ways to prevent the origin and spread of diseases and promote the general public health.

SEC. 6. *Violation; penalty.*—Any person violating any of the provisions of this article or any lawful rule or regulation of the department of public welfare, shall be deemed guilty of a misdemeanor, and upon conviction be fined in any sum not exceeding \$25 for each offense.

DIVISION IX. VITAL STATISTICS.

SECTION 1. *Duties of the State department of health.*—The department of public welfare shall provide for the registration of births and deaths, and shall promulgate and enforce such rules as are necessary to carry out the purposes of this article.

SEC. 2. *Registration districts.*—Each city, village, and township shall constitute a primary registration district.

SEC. 3. *Local registrars.*—The department shall appoint local registrars, who shall have such territorial jurisdiction as may be conferred upon them by the department.

SEC. 4. *Same; tenure of office; deputies.*—Local registrars shall hold office during the pleasure of the department. They shall, immediately after their appointment, select deputies to act for them when they are absent, ill, or otherwise disqualified.

SEC. 5. *Birth certificate; form; contents.*—A birth certificate in the form prescribed by the United States Census Bureau shall be filled out by the physician or other person in attendance for every child born in the State, or if no person was in attendance, then by the parent, the superintendent of any institution in which the birth may have occurred, or by some other responsible person. Such certificate shall be filed with the local registrar within three days after any birth. In case the child is not then named, a supplemental certificate reporting its given name shall be filed as soon thereafter as such child is named.

SEC. 6. *Death certificate; form; contents.*—A death certificate in the form prescribed by the United States Census Bureau shall be filled out by the physician last in attendance, if one was in attendance, or if not, by the coroner or local health officer, of every person dying or found dead in this State. Such certificate shall be filed with the local registrar before the body is interred or otherwise disposed of or removed from the locality where the death occurred. Upon receipt thereof the local registrar shall issue a burial or removal permit.

No body shall be interred or accepted by a railroad company for transportation without the registrar's permit and a copy of the death certificate. All burial or removal permits when received shall be dated and countersigned by the sexton of the cemetery or the agent of the transportation company as the case may be, and returned within 10 days to the local registrar by whom issued with a report as to the disposition made of the body.

SEC. 7. Child born dead; how registered.—A child born dead shall be registered as a birth and also as a death. In such cases separate certificates of both the birth and the death shall be filed with the local registrar in the usual form, and the month of uterogestation as nearly as possible shall be stated. Such certificate shall not be required for a child that has not advanced to the fifth month of uterogestation. If the attendant was not a physician, the death shall be referred to the health officer or county attorney for certification.

SEC. 8. Certificates; how written; when complete.—Certificates shall be written legibly in durable black ink and shall not be deemed complete unless they disclose or satisfactorily account for the omission of all items of information called for.

SEC. 9. Local registrars; reports by.—Local registrars shall, on the fifth day of each month, forward to the department the original certificates filed with them during the preceding month. In case no birth or no death has occurred, the local registrar shall so report on a card provided for that purpose.

SEC. 10. Removal permits.—A removal permit issued in accordance with the law of the place where the death occurred, may be accepted by the local registrar of the place where the body is to be interred or otherwise disposed of as a basis for the issuance of a burial permit, and in his return to the State registrar the place of death shall be stated. When no physician was in attendance, the undertaker or local registrar shall refer the case to the health officer for a death certificate. If the circumstances indicate that death was caused by neglect, violence, or any unlawful means, the case shall be referred to the county attorney for investigation and certification, and he shall state the cause of death and the means or instrument by which it was produced.

SEC. 11. Retail dealers in caskets; records; reports.—Every retail dealer in caskets shall keep a record of sales which shall include the name and post-office address of the purchaser and the name and the date and place of death of the deceased. A report thereof shall be forwarded to the department on the first day of each month. This requirement shall not, however, apply to sellers of caskets to dealers or undertakers only. Every seller of a casket at retail who does not have charge of the disposition of the body shall inclose within the casket a notice calling attention to the requirements of the law and a blank certificate of death.

SEC. 12. Maternity homes and lying-in hospitals; reports.—Maternity homes and lying-in hospitals and places used as such shall report to the department quarterly on the 1st day of January, April, July, and October the sex and date of birth of all children born in their respective institutions during the preceding quarter. The report shall also show the names and addresses of the parents and attending physicians.

SEC. 13. Additional duties of department.—The department shall supply all necessary blanks, forms, and instructions to the local registrars, and through them to physicians and undertakers. It shall quarterly certify to the county board of each county the number of certificates of birth and death received from each local registrar in the county. For each certificate and for each report of no birth or no death the local registrar shall be entitled to the sum of 25 cents to be paid by the county.

SEC. 14. *Same.*—The department shall preserve permanently and index all certificates received. It shall, on payment of a fee of 50 cents, furnish any applicant therefor a certified copy of any certificate. For a search of the records and files a charge of 50 cents for each hour or fraction thereof employed shall be made. The department shall, upon request of any parent or guardian who shall require the information for the purpose of admitting a child to school or securing employment, supply without charge a certificate limited to a statement of the date of birth. The United States Census Bureau may obtain, without expense to the State, transcripts or certified copies of certificates without the payment of any charge.

SEC. 15. *Violation; penalty.*—Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than \$10 nor more than \$100, or be imprisoned in the county jail for not more than 60 days, or both.

DIVISION X. MATERNITY HOMES.

SECTION 1. (2758) "*Maternity home*" defined.—Whoever keeps for care or treatment within a period of six months more than one woman during pregnancy, or during or after delivery, except women related by blood or marriage; or has in his or her custody or control, at any one time, two or more infants under the age of two years, unattended by parents or guardians, for the purpose of providing them with care, food, and lodging, except infants related to him or her by blood or marriage, shall be deemed to maintain a maternity home or maternity boarding house, or home for the care of infants, or lying-in hospital. The provisions of this section shall not apply to any State institution, children's home, or to any juvenile court, society, or institution having the care of children under its control, duly incorporated under the laws of Nebraska: *Provided*, Any maternity home, boarding house, or home for the care of infants or hospital incorporated under the laws of Nebraska for the purpose of caring for children and placing them in homes shall first apply to and secure approval for such incorporation from the department of public welfare.

SEC. 2. (2759) *Maternity home; license.*—No person shall conduct or maintain a maternity home or maternity boarding house, or home for the care of infants or lying-in hospital, or engage in, or assist in, conducting a business of placing infants in permanent homes without having in full force a written license from the department of public welfare: *Provided*, Nothing in this article shall apply to any State institution or to any juvenile court or to any society or association incorporated under the laws of the State of Nebraska for the purpose of caring for children and for placing them in homes.

SEC. 3. (2760) *Lying-in hospitals; records.*—The department of public welfare may grant licenses to maintain maternity homes or maternity boarding houses or homes for the care of infants, or lying-in hospitals. An application therefor shall first be approved by the board of health of the city or village in which such maternity home, or maternity boarding house or home for the care of infants, or lying-in hospital is to fare [sic]. A record of the same shall be kept in the office of the department and a notice shall be given to the board of health of the city or village in which the licensee resides, of the granting of such license and of the terms thereof. Such license shall be granted for a term not exceeding one year and shall state the name of the licensee, the particular premises in which the business may be carried on, giving the street number, the number of women or infants that may be boarded, cared for, treated, or maintained there at any one time. It shall be the duty of the board of health of the city or village in which such maternity home or maternity boarding

house or home for the care of infants or lying-in hospital is located to visit said premises at any time, and as often as may be deemed necessary, and to inspect the same or designate any person to visit and inspect premises so licensed, and to request, if deemed desirable, that the license shall be kept posted in a conspicuous place on the licensed premises. A fee of \$3 shall be paid to the department of public welfare prior to the issuance of such license.

SEC. 4. (2751) *Number of patients not to exceed license.*—No greater number of women and infants shall be kept at one time on such premises than is authorized by the license, and no women or infants shall be kept in a building or place not designated in the license.

SEC. 5. (2762) *License revoked; when.*—The department of public welfare may revoke such license when a provision of this article is violated or when, in the opinion of the department, such maternity home or maternity boarding house or home for the care of infants or lying-in hospital is maintained without due regard to the health, comfort, or morality of the inmates thereof, or without due regard to sanitation and hygiene. When the license is revoked, written notice shall be served by the department of public welfare upon the licensee either in person or by leaving such notice on the licensed premises. At the same time notice of revocation shall be given to the board of health of the city or village in which the licensee is located.

SEC. 6. (2763) *Births reported.*—A birth which takes place in a maternity home or maternity boarding house or home for the care of infants or lying-in hospital shall be attended by a legally qualified physician, who shall forthwith report it to the board of health of the city or village in which the maternity home, boarding house, or home for the care of infants or lying-in hospital is located. All stillbirths and premature births of every kind shall be reported in the same manner as is above required.

SEC. 7. (2764) *Records to be kept.*—A person holding a license shall keep a record, in form to be prescribed by the department of public welfare, wherein the licensee shall enter the names and addresses of physicians attending at births taking place in such house or hospital, or attending any sick infant; the name, age, and sex of children born on the premises or brought thereto, and age of a child who is taken away, together with the name and residence of the person taking such child away.

SEC. 8. (2765) *Placing infants in homes.*—Whoever advertises himself or herself as ready to assist in placing or finding homes for infants, or to otherwise dispose of infants under 2 years of age, or whoever actually places or assists in placing in homes or [of] persons other than relatives, or causes or assists in causing the adoption or disposal otherwise of infants under 2 years of age, shall be deemed as engaging, or assisting, in conducting a business of placing infants. No person shall engage in said business of placing infants: *Provided*, Nothing herein shall apply to any State institution or to any juvenile court or to any society or association incorporated under the laws of the State of Nebraska for the purpose of caring for and placing children in homes.

SEC. 9. (2766) *Licensee give notice of death.*—A licensee shall give immediate notice to the board of health of any death occurring in his institution.

SEC. 10. (2767) *Coroner called; when.*—The board of health shall forthwith call the coroner of the county in which said person died to hold an inquest on the body of the person, unless a certificate, under the hand of a legally qualified physician, is exhibited to said board by the licensee stating that such physician personally attended and examined the person so dying, and specifying the cause of death, and the board of health is satisfied that there is no ground for holding an inquest.

SEC. 11. (2768) *Disposition of infants.*—No person shall give an infant under 2 years of age into the permanent care and control of another person and no person shall receive such infant with a view to adoption or to permanent care without application to the proper court for adoption. The provisions of this section shall not apply to any State institution or to any society or association incorporated under the law[s] of the State of Nebraska for the care of children and for placing children in homes.

SEC. 12. (2769) *Advertisements; when lawful.*—A licensee shall not advertise that it will procure the adoption of babies and shall not hold out inducements to mothers of illegitimate children or to any parents to part with their offspring.

SEC. 13. (2770) *Violation; penalty.*—Any person who violates any provisions of this article shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed \$300 or imprisoned in the county jail not more than one year, or both.

DIVISION XVII. VENEREAL DISEASES.

SECTION 1. *Dangerous diseases.*—Syphilis, gonorrhea, and chancroid, hereinafter designated as venereal diseases, are hereby declared to be contagious, infectious, communicable, and dangerous to the public health.

SEC. 2. *Power of department to make rules.*—The department of public welfare is hereby empowered, and it shall be its duty, to make such rules and regulations as shall, in its judgment, be necessary to control and suppress venereal diseases.

SEC. 3. *Violation; penalty.*—Any person who shall violate any of the provisions of this article, or any rule or regulation made by the department of public welfare, as empowered by this article, shall be deemed guilty of a misdemeanor, and, upon conviction for each such offense, shall be fined not less than \$15 nor more than \$100.

TITLE VIII. GENERAL PROVISIONS.

ARTICLE I. LICENSES.

SECTION 1. *Effect of law on licenses in force at time of passage.*—All licenses duly issued at the time of the taking effect of this act shall be and continue in full force and effect, subject to the provisions hereof.

ARTICLE II. PENAL CLAUSE.

SECTION 1. *Penalty.*—Any person who shall violate any of the provisions of the code of laws included in this act, unless specifically otherwise provided in the act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$10,000.

ARTICLE III. CONSTITUTIONALITY.

SECTION 1. *Constitutional in part or in whole; inducement.*—Should the courts declare any section or any part of a section, or any article or any part of an article, or any title or any part of a title, of this act unconstitutional or unauthorized by law, or in conflict with any other section or part or subdivision of

a section or in conflict with any article or title of this act, then such decision shall affect only the section or part or subdivision of a section or article or title of this act so declared to be unconstitutional and shall not affect any other section or any other part or subdivision of a section or article or title of this act. It is further expressly provided that each section and each part or subdivision of a section herein and each article and each title so far as an inducement for the passage of this act is concerned is independent of every other section and every other part or subdivision or a section and every part of an article or title and not any section or any part or subdivision of a section or article or title is an inducement for the enactment of any other section or part or subdivision of a section or article or title of this act.

ARTICLE IV. CONSTRUCTION.

SECTION 1. *Duties not specifically imposed to devolve on governor.*—Any duties heretofore imposed by any of the provisions of the statutes, by this act repealed, which have not, by this act, been specifically imposed upon any of the departments created by this act, shall be devolved upon the governor and the discharge of such duties may be delegated by him to any of the secretaries of departments created by this act.

SEC. 2. *All reports to be made to governor unless otherwise directed.*—Whatever reports are by the statutes of Nebraska directed to be made to any of the boards, commissions, deputies, or assistants where such boards, commissions, deputies, or assistants are by this act terminated by repeal or amendment of the statutory provisions creating the same, such reports shall be made to the governor, and any action directed to be made upon such reports may by the governor be delegated to any of the secretaries of departments created by this act.

SEC. 3. *Meaning of person; gender; respondent superior.*—Wherever used in this act the word person shall include natural persons, artificial persons, such as corporations, copartnerships, associations, and all aggregate organizations of whatsoever character. All words used herein implying the masculine gender may apply to and include the feminine or neuter gender and all words importing the plural number may be applied to and mean a single person, firm, or thing, or vice versa; all words importing the singular number may be applied to mean plural number. For the purposes of this act, the act, omission, or failure of any officer, agent or any other person acting for, or employed by any corporation, company, society, [or] association within the scope of his employment or his office shall be deemed to be an act of omission or failure of such corporation, company, society, or association as well as that of the person.

ARTICLE V. MEANING OF "DEPARTMENTS."

SECTION 1. *Executive authority conferred on "departments" belongs to governor.*—Wherever by this act any executive authority is vested in or any duty imposed upon a department, the word "department," or the words * * * "department of public welfare" * * * shall be construed to mean the governor of the State.

ARTICLE VI. SAVING CLAUSE.

This act shall in no manner affect pending actions, either civil or criminal, founded on or growing out of any statute hereby repealed; this act shall in no

manner affect rights or causes of action, either civil or criminal, not in suit, that may have already accrued or grown out of any statute hereby repealed.

[Article VII specifically repeals certain provisions of law.]

Venereal Diseases—Establishment and Duties of Division of, in State Health Department—Reports of Cases—When Persons Deemed Infected—Treatment—Sale of Medicine—Instructions and Literature to be Given Patient—Records Not to be Disclosed—Examination of Persons Suspected of Being Infected—Isolation—Repression of Prostitution—Unlawful for Infected Person to Expose Others to Infection—Issuance of Certificates of Freedom from Venereal Diseases—Free Laboratory Tests. (Reg. Dept. of H., July 9, 1919.)

1. Syphilis, gonorrhea, and chancroid, hereinafter designated as venereal diseases, having been declared contagious, infectious, communicable, and dangerous to the public health, there is hereby established in the State department of health a division of venereal diseases.

Said division of venereal diseases shall cooperate with the United States Public Health Service to control, suppress, and cure gonorrhea, syphilis, and chancroid, and take such action as seems necessary to secure this end.

2. *Gonorrhea*.—A person shall be deemed to be suffering from gonorrhea whenever he or she manifests the signs, symptoms, or lesions of the disease, and thereafter until two negative laboratory tests have been made from discharge specimens taken at least 48 hours apart from the urethra in the male and from both the urethra and the cervix in the female.

Syphilis.—A person shall be deemed to be suffering from syphilis whenever he or she manifests the signs, symptoms, or lesions of the primary or of the secondary stage of the disease, or active lesions of the tertiary stage.

Chancroid.—A person shall be deemed to be suffering from chancroid whenever he or she manifests the signs, symptoms, or lesions of the disease.

3. *Treatment only by physicians or on their prescriptions*.—No person other than a licensed physician shall treat or prescribe for gonorrhea, syphilis, and chancroid, and no person shall dispense a drug, medicine, or remedy for the treatment of such a disease except on prescription of a duly licensed physician.

Such prescription shall be retained by the person dispensing the drug, medicine, or remedy, and no copies of such a prescription shall be refilled.

4. *Venereal diseases are to be reported to the division of venereal diseases, State department of health, Lincoln, Nebr.*—The physician attending a patient infected with gonorrhea, syphilis, or chancroid shall make a report of the case under treatment (within 10 days) to the division of venereal diseases, State department of health.

Such a report shall be made on the card procurable from the division of venereal diseases for that purpose.

The physician shall keep an office record of the case under treatment, such record to contain the name and address of the patient, in addition to the information required to be reported to the division of venereal diseases.

The physician shall also explain to the patient under treatment the nature and seriousness of the disease with which he or she is infected, and instruct the patient as to the necessity for complete cure and the precautions necessary to avoid infection of others.

The physician shall also give to each patient under treatment for venereal disease educational literature procurable from the division of venereal diseases, and shall designate the case number under which the person is to be reported to the division of venereal diseases.

The physician shall ascertain if the person has been under treatment by another physician, and if so he shall notify the physician previously treating the case of the change in adviser.

(Such notification shall be made within 15 days on blanks procured for the purpose from the division of venereal diseases.)

5. *Records of cases of syphilis, gonorrhea, and chancroid not to be disclosed.*—Records of the division of venereal diseases, State department of health or of any local health departments, relating to cases of syphilis, gonorrhea, and chancroid shall not be made public so as to disclose the identity of the person to whom they relate, except in so far as may be necessary to safeguard the public health against those who disobey the rules and regulations relating to these diseases or to secure conformity to the laws of the State.

6. *Conditions under which a person's name shall be reported.*—Whenever any person suffering from gonorrhea, syphilis, or chancroid shall fail to return to the physician for continued treatment, after a period of 15 days later than the time last appointed for consultation and treatment, and the physician attending such person has not received a notification of change of medical advisers, then such person's name, address, name of the disease, case number, and name and address of the physician reporting the case shall be sent to the division of venereal diseases on blanks procurable for that purpose from the division of venereal diseases: *Provided*, That such person to be reported is in an infective stage of such venereal disease, is likely to infect or be the source of infection to others, and the protection of the public health demands action by the State department of health or local health department.

Cases of gonococcus infection are to be regarded as infectious until at least two successive smears taken not less than 48 hours apart, from the urethra in the male, and from both the urethra and the cervix in the female, fail to show gonococci.

Cases of syphilis are to be regarded infectious until all lesions of the skin and mucous membranes are fully healed.

Cases of chancroid are to be regarded as infectious until all lesions are fully healed.

7. *Suspected persons; isolation and treatment.*—Whenever the State department of health or local health department shall have reasonable grounds, after proper investigation, to believe that any person within its jurisdiction is suffering from, or infected with, any infectious venereal disease and is likely to infect or to be the source of infection of any other person, then such health department shall cause a medical examination to be made of such person for the purpose of ascertaining whether or not such person is in fact suffering from, or infected with, such disease, and every such person shall submit to such examination and permit such specimens of blood or bodily discharges to be taken for laboratory examinations as may be necessary to establish the presence or absence of such disease or infection: *Provided*, That the required examination shall be made by a licensed physician acting either for the health department or engaged by the person to be examined and who, in the opinion of the health department, is qualified for this work and is approved by the health department, and such licensed physician making such examination shall report thereon to the health department.

Every person who by the examination as provided for is found to be suffering from, or infected with, an infectious venereal disease, shall be required by the State department of health or local health department of the district in which such person resides to submit to a prescribed course of treatment administered by a duly licensed physician engaged either by the infected person

and who has been approved by the health department as qualified for this work, or shall submit to a prescribed course of treatment by a physician engaged at public expense and who is approved by the health department, and such course of treatment may provide for the isolation of persons so infected and treated, and the local health department shall in that case define the place and limits of the area within which such person shall be isolated and the conditions under which such isolation and treatment shall be terminated.

(Owing to the prevalence of such diseases among those given to immoral and indiscriminate sexual intercourse, and persons associated with them, all such persons are to be considered within the above class.)

8. Prostitution is hereby declared to be a prolific source of venereal diseases, and the repression of prostitution is declared to be a public health measure.

All local and State health officers are therefore directed to cooperate with the proper officials whose duty it is to enforce laws against prostitution.

9. All convicts and inmates of public or private institutions reasonably suspected of being infected with venereal disease shall be examined and treated if found to be so infected.

If a person so examined and treated is still infectious when his or her term expires, such person shall be detained and treated until he or she can be released with safety to the public health.

10. It shall be a violation of these regulations to expose another person to infection with venereal diseases.

Physicians, health officers, and all other persons are prohibited from issuing certificates of freedom from venereal diseases where their use may be possible for solicitation for sexual intercourse.

11. Laboratories of the State department of health are authorized to make the Wassermann test for syphilis and smear test for gonorrhea free of charge to physicians of Nebraska.

12. Any person who shall violate any of the provisions of these regulations shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than \$15 nor more than \$100.

State Department of Health—Provision of Law Establishing Schedule of Salaries and Expenses Repealed. (Ch. 8, Act Apr. 3, 1919.)

SECTION 1. *Repeal.*—That section 17, chapter 181,¹ session laws of Nebraska for 1917, is hereby repealed.

Cities of 100,000 or Over—Powers of Mayor and Council for the Protection of the Public Health in. (Ch. 31, Act Feb. 27, 1919.)

SECTION 1. *Amendment.*—That section 4082, Revised Statutes of Nebraska for 1913, is hereby amended to read as follows:

4082. **SEC. 16. *Regulating health of city.***—The mayor and council shall have power to define, regulate, suppress, and prevent nuisances. The mayor and council shall not create a board of health except in cases of a general epidemic, but may cooperate with the boards of health provided by the laws of this State, and may appropriate moneys for such purposes. The mayor and council may provide rules and regulations for the care, treatment, regulation, and prevention of all contagious and infectious diseases, for the regulation of all hospitals, dispensaries, and places for the treatment of the sick, for the sale of dangerous drugs, for the regulation of cemeteries and the burial of the dead. The jurisdiction of the council in enforcing the foregoing regulations shall extend over such city.

¹ Supplement No. 37 to the Pub. Health Repts., p. 263.

SEC. 2. Repeal.—That said original section 4082, Revised Statutes of Nebraska for 1913, is hereby repealed.

Cities of the First Class—Have Power to Provide by Ordinance for the Protection of the Public Health. (Ch. 40, Act Feb. 27, 1919.)

SECTION 1. Amendment.—That sections 4447 and 4448, Revised Statutes of Nebraska for 1913, are hereby amended to read as follows:

[Cities of the first class shall have power by ordinance:]

4447. Contagious diseases; regulation of.—To make regulations to prevent the introduction or spreading of contagious, infectious, or malignant diseases in the city, and to create a board of health, to make quarantine laws for that purpose, and to enforce the same. To purchase, hold, lease, or construct hospitals for the care of persons so infected with such diseases, and to establish rules and regulations with respect to government control and management of such hospitals.

4448. Health regulations.—To make regulations to secure the general health of the city; to provide rules for the prevention, abatement, and removal of nuisances; to make and prescribe regulations for the construction, location, regulation, and keeping in order of all slaughterhouses, stockyards, warehouses, stables, or other places where offensive matter is kept or is likely to accumulate.

SEC. 2. Repeal.—That said original sections 4447 and 4448, Revised Statutes of Nebraska for 1913, are hereby repealed.

Cities of the First Class Having More Than 5,000 and Less Than 25,000—Have Power to Provide by Ordinance for the Protection of the Public Health—Creation, Powers, and Duties of Board of Health. (Ch. 37, Act Feb. 27, 1919.)

SECTION 1. Amendment.—That sections 4854 and 4856, Revised Statutes of Nebraska for 1913, are hereby amended to read as follows:

[Cities of the first class having more than 5,000 and less than 25,000 shall have power by ordinance:]

4854. Contagious diseases.—To make regulations to prevent the introduction and spread of contagious, infectious, or malignant diseases into the city, and a board of health shall be created, consisting of five members—the mayor, who shall be chairman; a physician who resides permanently in the city, who shall be medical adviser; the chief of police, who shall be secretary and quarantine officer; the president of the council, and one other member—a majority of such board shall constitute a quorum and shall enact rules and regulations, which rules and regulations shall have the force and effect of law, to safeguard the health of the people of such city and prevent nuisances and insanitary conditions, enforce the same, and provide fines and punishments for the violation thereof.

4856. Health regulations in general.—To make regulations to secure the general health of the city, to prescribe rules for the prevention, abatement, and removal of nuisances, to make and prescribe regulations for the construction, location, and keeping in order of all slaughterhouses, stockyards, warehouses, sheds, stables, barns, dairies, or other places where offensive matter is kept or is likely to accumulate within the corporate limits, and to limit or fix the maximum number of swine or meat cattle that may be kept in sheds, stables, barns, feed lots, or other inclosures within the city.

SEC. 2. Repeal.—That said original sections 4854 and 4856, Revised Statutes of Nebraska for 1913, are hereby repealed.

Cities of the Second Class—Empowered to Enact Ordinances for the Protection of the Public Health—Creation, Powers, and Duties of Board of Health. (Ch. 44, Act Feb. 27, 1919.)

SECTION 1. *Amendment.*—That section 5015, Revised Statutes of Nebraska for 1913, is hereby amended to read as follows:

[Second-class cities are authorized and empowered to enact ordinances for the following purposes:]

5015. *Same; regulating public health.*—To make regulations to prevent the introduction and spread of contagious, infectious, or malignant diseases into the city, to make quarantine laws for that purpose, and to enforce the same. There shall be created a board of health to consist of four members—the mayor, who shall be chairman, a physician who resides permanently in the city, who shall be medical adviser, the president of the city council, and the marshal of such city, who shall be secretary and quarantine officer. A majority of such board shall constitute a quorum and shall enact rules and regulations, which rules and regulations shall have the force and effect of law, to safeguard the health of the people of such city, to enforce same, and provide fines and punishment for the violation thereof. The board of health shall have power and shall make all needful rules and regulations relating to matters of sanitation of such city, including the removal of dead animals, the sanitary condition of the streets and alleys and vacant grounds, and of stockyards, cattle and hog pens, wells, cisterns, privies, water-closets, cesspools, and stables, and all buildings and places not specified where filth, nuisances, or offensive matter is kept or is liable to or does accumulate. To regulate, suppress, and prevent the occurrence of nuisances and enforce all laws of the State and ordinances of the city relating to the same or to matters of sanitation of such city. The board shall also have control of hospitals, dispensaries, and places for treatment of sick, and of matters relating to the same under such restrictions and provisions as may be provided by ordinance of such city.

Sec. 2. *Repeal.*—That said original section 5015, Revised Statutes of Nebraska for 1913, is hereby repealed.

Boards of Health of Villages—Appointment—Regulations by. (Ch. 165, Act Feb. 27, 1919.)

SECTION 1. *Amendment.*—That section 5058, Revised Statutes of Nebraska for 1913, is hereby amended to read as follows:

5058. SEC. 38. *Board of health.*—The village board of trustees * * * shall appoint a board of health consisting of three members—the chairman of the village board, who shall be chairman, the marshal, who shall be secretary and quarantine officer, and one other member, and when a physician is residing permanently in the village, a physician shall be the third member or such other person as the village board may select. A majority of such board shall constitute a quorum, and shall enact rules and regulations, which rules and regulations shall have the force and effect of law, to safeguard the health of the people of such village, and prevent nuisances and insanitary condition[s], enforce the same, and provide fines and punishments for the violation thereof. Said appointees shall hold office for one year, unless sooner removed by the president of the board, with the advice and consent of the trustees.

Sec. 2. *Repeal.*—That said original section 5058, Revised Statutes of Nebraska for 1913, is hereby repealed.

Dairy Products—Sale—Analysis—Receptacles. (Ch. 190, Act Apr. 19, 1919.)

[TITLE III] ARTICLE VI. DAIRY INDUSTRY.

SECTION 1. *Department of agriculture to enforce.*—The department of agriculture shall enforce the provisions of this article. It shall make or cause to be made all necessary examinations and shall have authority to promulgate such rules and regulations as are necessary to promptly and effectively enforce the provisions of this article.

SEC. 2. *Definition of terms.*—For the purpose and within the meaning of this article milk is the lacteal secretion obtained from the complete milking of cows. Skimmed milk is milk from which substantially all of the milk fat has been removed. Cream is that portion of the milk rich in milk fat which rises to the surface of the milk on standing, or is separated from the milk by centrifugal force. When construing and enforcing the provisions of this article, the act, omission, or failure of any officer, agent, or other person acting for or employed by any individual or by any corporation, partnership, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such individual, corporation, partnership, society, or association, as well as that of such officer, agent or other person.

SEC. 3. *Unlawful acts.*—No person shall sell or deliver for consumption as milk or cream, or have in his possession with intent to sell or deliver for consumption of milk or cream: (a) Milk to which water or other foreign substance has been added; (b) milk containing less than 3 per cent of milk fat as determined by the Babcock test for butter fat; (c) skimmed milk which has not been pasteurized or made from pasteurized milk, or which is not labeled "Skimmed milk"; (d) skimmed milk to which water or any foreign substance has been added, or which does not contain at least 9.25 per cent of milk solids as determined by drying to constant weight at the temperature of boiling water; (e) milk or cream containing, or which has been exposed to, any disease-producing bacteria; (f) milk or cream which has been produced, stored, handled, or transported in any unclean or insanitary manner; (g) milk or cream, the container of which is labeled or branded so as to deceive or mislead the purchaser; (h) milk or cream which has been homogenized or emulsified, unless it is plainly and conspicuously labeled "Homogenized" or "Emulsified," as the case may be; (j) [i] cream which contains less than 18 per cent of butter fat: *Provided*, Nothing in this article shall be construed to prohibit the sale, when labeled so as to show its true character, of either (1) sour milk or sour cream, or (2) buttermilk.

SEC. 4. *Same; unlawful acts continued.*—No person shall sell, offer, or expose for sale, exchange, or deliver any milk or cream which has been taken from any animal having any disease or sickness or from any animal during the period of 15 days preceding parturition, or within such time thereafter as the milk is abnormal; or from any animal which has been fed unwholesome food, or has had access to contaminated water; or from any animal kept in a crowded or unhealthful condition. Milk from any animal which has not been examined within not to exceed one year previously by a duly licensed veterinarian and certified by him to be free from disease shall be pasteurized before being offered for sale.

SEC. 5. *Sale of milk or cream; license required.*—No person shall sell, or deliver, or have in his possession, with intent to sell or deliver, milk or cream without first obtaining a license from the department of agriculture or its secretary. The fee for such license shall be \$1 for each place from which sale

or delivery is made, and each license shall expire July 1 next after its issue and shall not be transferable. No license shall be issued for less than \$1. Each license shall be numbered and shall contain the name and place of business of the licensee and the number of vehicles and places to be used. The name of the dairy, or the name of the person, firm, or corporation to whom the license is issued shall appear on both sides of each vehicle in letters not less than 2 inches in height and plainly eligible [legible]. Any sale from a vehicle not so inscribed shall be deemed a violation of this article. The foregoing provisions of this section shall not apply to the sale of milk or cream when said milk or cream is sold only to a manufacturing establishment to be converted into food products other than milk or cream, nor to the sale of any milk or cream which is entirely the product of a herd of five cows or less.

SEC. 6. *Refusal and revocation of licenses.*—The department of agriculture may withhold a license from any applicant therefor whom it may deem unworthy and may revoke any license issued to an owner who has violated the terms thereof, or who has failed to comply with any requirement of this article or [who] refuse[s] or fail[s] to obey its lawful request or direction, and every conviction of the licensee for an offense punishable under this article shall be sufficient grounds for such revocation.

SEC. 7. *Containers required.*—No person shall sell or deliver, or have in his possession with intent to sell or deliver, to the consumer any milk or cream not in bottles or other suitable container effectively sealed to exclude dust and other contamination.

SEC. 8. *Operation of creameries and cheese factories; license required.*—For the purpose and within the meaning of this article the word "creamery" is defined as a factory where cream, with or without the addition of salt and coloring matter, is churned into butter. The term "cheese factory" is defined as a factory where milk, skimmed milk, or cream, with or without the addition of salt or coloring matter, is manufactured into cheese. No person shall operate a creamery, cheese factory, or milk-condensing plant; or manufacture ice cream for sale, except churches or benevolent organizations in society or special benefit entertainments, without first procuring a license from the department of agriculture or its secretary. The fees charged for licenses shall be as follows: For each creamery or cheese factory which produces 100,000 pounds or less per annum of butter or cheese, \$10, and an additional tax of \$2 on each additional 100,000 pounds or fraction thereof per annum; for each milk-condensing plant, \$10; for each wholesale manufacturer of ice cream, \$5; and for each retail manufacturer of ice cream, \$1. Each license shall expire July 1 next after it is issued and shall not be transferable. No license shall be issued for a less amount than the fee stated in this section.

SEC. 9. *Receptacles must be sanitary.*—It is hereby declared a violation of this act [article?] for any person having in possession bottles, cans, or other receptacles containing milk or cream of [or] any dairy product including ice cream not to clean or cause to be cleaned such receptacles immediately upon emptying. No person shall have in possession, or consign for transportation, any receptacle which is used for the transportation or handling of cream or milk or any dairy product, including ice cream, unless said receptacle is thoroughly clean and in a sanitary condition. No person shall use, cause or allow to be used, any receptacle which is used in the transportation or handling of milk or cream or any other dairy product, including ice cream, for any other purpose whatsoever.

SEC. 10. *Sampling by inspectors.*—The department of agriculture, or its authorized agent, shall have access, at all reasonable times, to all dairies, places

of business, factories, buildings, warehouses, and cars used in the production, manufacture, sale, or transportation of dairy products and such authorized agent, upon showing his authority and upon paying or offering to pay the full value thereof, may take from any producer, handler, or seller of milk or cream, or any other dairy product, whether principal, agent, or employee, one or more samples for the purpose of inspection and chemical analysis. Any person who hinders or prevents such access or who refuses to sell or deliver to such authorized agent shall be deemed guilty of a violation of this article.

SEC. 15. Violation; penalty.—Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than \$10, nor more than \$100, or be imprisoned in the county jail not exceeding three months.

Food and Drugs—Adulteration and Misbranding. (Ch. 190, Act Apr. 19, 1919.)

[TITLE III] ARTICLE V. PURE FOOD.

SECTION 1. Department of agriculture to enforce.—The department of agriculture shall enforce the pure food laws.

SEC. 2. Governor employ assistants.—For the purpose of enforcing regulation and inspection the governor is authorized to appoint such inspectors and assistants as are necessary therefor.

SEC. 3. (2536) Adulterations.—An article shall be deemed to be adulterated:

a. In case of drugs:

1. If when a drug is sold under or by the name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard of strength, quality, or purity as determined by the test laid down in the United States Pharmacopœia or National Formulary official at the time of investigation: *Provided*, That no drug defined in the United States Pharmacopœia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength or purity be plainly stated upon the bottle, box, or other container thereof, although the standard may differ from that determined by the test laid down in the United States Pharmacopœia or National Formulary.

2. If its strength or purity fall below the professed standard or quality under which it is sold.

b. In the case of confectionery: If it contain terra alba, barytes, talc, chrome yellow, paraffin, or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt, or spirituous liquor or compound or narcotic drug.

c. In the case of ice cream: If it does not contain at least 14 per cent butter fat, finish, and of fruit cream 12 per cent butter fat, finish, and if it contains any ingredient deleterious or detrimental to health.

d. In case of food:

1. If any substance has been mixed or packed with it so as to reduce or lower or injuriously affect its quality or strength.

2. If any substance has been substituted wholly or in part for the article.

3. If any valuable constituent of the article has been wholly or in part abstracted.

4. If it be mixed, colored, powdered, coated, or stained in any manner whereby damage or inferiority is concealed.

5. If it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health: *Provided*, That when in the

preparation of food products for shipment they are preserved by an external application applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of such preservative shall be printed on the covering of the package, the provisions of this article shall be construed as applying only when said products are ready for consumption.

6. If it consist in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

SEC. 4. *Articles misbranded.*—The term "misbranded" as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory, place, or country in which it is manufactured or produced.

An article shall also be deemed to be misbranded:

a. In the case of drugs:

1. If it be an imitation of or offered for sale under the name of another article.

2. (*Ch. 51, Laws, 1917.*) If it shall be labeled or branded so as to deceive or mislead the purchaser or purport to be a foreign produce [product] when not so, or if the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate or acetanilide, phenacetine (acetphenetidine), antipyrine, or any other of the coal-tar preparations, belladonna, or any derivative or preparation of any such substance contained therein.

3. If its package or label shall bear or contain any statement, design, or device regarding the curative or therapeutic effect of such article or any of the ingredients or substances contained therein which is false or fraudulent.

b. In the case of food:

1. If it be an imitation of or offered for sale under the distinctive name of another article.

2. If it be labeled or branded so as to deceive or mislead the purchaser or purport to be a foreign produce [product] when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and the [sic] other contents shall have been placed in such package, or if it fails to bear a statement on the label of the quantity or proportion of any alcohol in excess of one-half of 1 per cent.

3. If in package form, if each package, except canned corn, does not have a correct statement, clearly printed on the outside of the package, of the contents and the quantity of the contents in terms of weight, measure, or numerical count, and in case of wheat flour the name of the manufacturer and the place where manufactured: *Provided, however,* That the provisions of this paragraph shall not apply to packages put up by the retailer at the time of sale.

4. If the true quantity in container (in case of liquids other than medicines) is not correctly stated thereon;

5. If the package containing it or the label thereon shall bear any statement, design, or device regarding the ingredients or the substances contained therein,

which statement, design, or device shall be false or misleading in any particular;

6. If, in case of food products, there be contained in the package any gifts, premiums, or prizes.

An article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

1. In case of compounds, imitations, and blends which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced [and] the net weight or measure of contents.

2. In case of articles labeled, branded, or tagged so as to plainly indicate that they are compounds, imitations, or blends, and the word "compound," "imitation," or "blend," as the case may be, and the ingredients composing said article are plainly stated in [on] the package, in which it is offered for sale. The term "blend" as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only.

3. In case of wheat flour made from a mixture of different kinds of wheat, if branded "blended" and if the different kinds of wheat used in its manufacture are plainly stated on the package by classes.

For the purpose of this article all kinds of wheat are divided into five classes, as follows: Hard spring, hard winter, soft spring, soft winter, and durum. Nothing herein shall be construed to prevent the manufacture and sale by the manufacturer within this State of any kind of flour which is shipped outside of the State, nor to apply to the compounding of family or domestic receipts, the dispensing of prescriptions, written by regular licensed physicians, veterinary surgeons, or dentists and kept on file with the dispensing pharmacist, nor to such drugs as are recognized in the United States Pharmacopœia, the American Homeopathic Pharmacopœia, and the National Formulary, and which are sold under the name by which they are recognized, nor as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome, added, or deleterious ingredient to disclose their trade formulas, except in so far as the provisions of this article may require to secure freedom from adulteration or misbranding, nor to prevent the manufacture and sale, within this State, of flour bleached with nitrogen peroxide.

SEC. 5. (2535) "*Drug*"; "*food*"; *defined*.—The term "drug" as used in this article shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or animals. The term "food," as used herein shall include all articles used for food, drink, confectionery, or condiment by man or animals, whether simple, mixed, or compound.

SEC. 6. (*Ch. 51, laws 1917*) *Inspection of foods*.—Whenever the department of agriculture or any officer, employee, inspector, or assistant of the department shall be of the opinion that any liquors, beverages, medicines, remedies, foods, drugs, or substitutes therefor or imitations thereof are kept or exposed for sale or held in the possession or under the control of any person in violation of the provisions of this article the department or such officer, employee, inspector or assistant of the department is authorized upon paying or offering to pay to the person entitled thereto the full value thereof, to seize and take possession of

one or more samples of such articles. Such sample or samples shall be sealed by the inspector and analysis shall thereupon be made by the department. If on inspection or analysis such sample or samples are found to be adulterated or misbranded within the meaning of this article the remainder of such articles may be seized by the department. One sample shall be preserved in the laboratory of the department and shall be delivered to the person from whom it is taken or to his agent or attorney upon application. Any person who shall obstruct the department or any officer, employee, inspector, or assistant thereof, by refusing to allow entrance into any place for the purpose of carrying out the provisions of this section, or by refusing to deliver samples as herein required when the same are requested and the value tendered, shall be subject to the penalties hereinafter provided.

SEC. 7. (2534) *Violation; prosecution.*—If it shall appear from a chemical analysis that any of the provisions of this article have been violated the department of agriculture shall certify the facts to the proper county attorney with a copy of the results of the analysis.

SEC. 8. (R. S. 2538) *Guaranty.*—No dealer shall be prosecuted under the provisions of this article when he can establish a bona fide guaranty signed by the wholesaler, jobber, or manufacturer in this State, from whom he purchased such articles, that they are not adulterated or misbranded within the meaning of this article, designating it, and that he had no knowledge of such adulteration or misbranding at the time they were purchased. Such guaranty shall contain the name and address of the vendor who shall be amenable to the prosecutions, fines, and other penalties to which the purchaser would otherwise be amenable.

SEC. 9. (2539) *Articles condemned; disposition.*—Any article of food or drug, as defined in this article, which is condemned as being adulterated or misbranded, unclean, unwholesome or of poisonous or deleterious character, within the meaning of this article, shall be disposed of by destruction or sale, as the court before whom the person or persons, was or were convicted, may direct, and proceeds of such condemned article, if sold, less the legal costs and charges, shall be paid into the treasury of the State, but such article shall not be sold to be used contrary to any laws of this State.

SEC. 10. *Unlawful acts.*—No person shall, within this State, manufacture for sale therein or have in his possession with intent to sell, offer or expose for sale, or sell any liquors, beverages, remedies, medicines, or articles of food or drug which are adulterated or misbranded within the meaning of this title.

SEC. 11. (2552) *Violation; penalty.*—Any person, firm, or corporation, violating any of the provisions of this article shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not less than \$10 nor more than \$100, or imprisoned in the county jail not exceeding three months.

**Places Where Food is Prepared for Sale, Manufactured, Stored, or Sold—
Sanitary Regulation—Employees—Utensils—Vehicles Used in Transporting
Food. (Ch. 190, Act Apr. 19, 1919.)**

[TITLE III] ARTICLE XI. SANITATION OF PREMISES USED FOR MANUFACTURE OR PREPARATION OF FOODS.

SECTION 1. (2598) *Bakeries, creameries, dairies, etc.*—Every building, room, basement, or cellar occupied or used as a bakery, confectionery, cannery, packing house, slaughterhouse, dairy, creamery, cheese factory, restaurant, hotel, grocery, meat market, or other place or apartment used for the preparation for sale, manufacture, packing, storage, sale, or distribution of any food, shall

be properly lighted, drained, plumbed, and ventilated and conducted with strict regard to the influence of such condition upon the health of the operatives, employees, clerks, and other persons therein employed and the purity and wholesomeness of the food therein produced; and for the purpose of this article the term "food" as herein used shall include all articles used for food, drink, confectionery, or condiment, whether simple, mixed, or compound, and all substances or ingredients used in the preparation thereof.

SEC. 2. (2599) *Storage rooms to be kept sanitary.*—The floors, side walls, ceilings, furniture, receptacles, implements, and machinery of every establishment or place where food is manufactured, packed, stored, sold, or distributed, and all cars, trucks, and vehicles used in the transportation of food products, shall at no time be kept in an unclean, unhealthful, and insanitary condition and for the purpose of this article unclean, unhealthful, and insanitary condition[s] shall be deemed to exist if food in the process of manufacture, preparation, packing, storing, sale, distribution, or transportation is not securely protected from flies, dust, dirt, and, as far as may be necessary by all reasonable means, from all other foreign or injurious contamination; and if the refuse, dirt, and waste products, subject to decomposition and fermentation incident to the manufacture, preparation, packing, storing, selling, distributing, and transporting of food, are not removed daily, and if all trucks, trays, boxes, baskets, buckets, and other receptacles, chutes, platforms, racks, tables, shelves, and all knives, saws, cleavers, and other utensils and machinery used in moving, handling, cutting, chopping, mixing, canning, and all other processes are not thoroughly cleaned daily, and if the clothing of operatives, employees, clerks, or other persons therein employed is unclean.

SEC. 3. (2600) *Kitchen, restaurant, bakery; kept sanitary.*—The side walls and ceilings of every bakery, confectionery, creamery, cheese factory, hotel, and restaurant kitchen shall be brick, cement, plastered, wainscoted, or celled with metal or lumber and shall be oil painted or kept well lime washed, and all interior woodwork in every bakery, confectionery, creamery, cheese factory, hotel, and restaurant kitchen shall be kept well oiled or painted with oil paints or lime washed and kept clean, and every building, room, basement, or cellar, occupied or used for the preparation, manufacture, packing, storage, sale, or distribution of food, shall have an impermeable floor made of cement or tile laid in cement, brick, wood, or other suitable nonabsorbent material which can be flushed and washed clean with water.

SEC. 4. (2601) *Doors and windows screened.*—The doors, windows, and other openings of every food-producing or distributing establishment during the fly season shall be fitted with self-closing screen doors and wire window screens of not coarser than 14-mesh wire gauze.

SEC. 5. (2602) *Toilet rooms, lavatories, etc.*—Every building, room, basement, or cellar occupied or used for the preparation, manufacture, packing, canning, sales, or distribution of food, shall have convenient toilet rooms, separate and apart from the room or rooms where the process of production, manufacture, packing, canning, selling, or distributing is conducted. The floors of such toilet rooms shall be of cement, tile, wood, brick, or other nonabsorbent material and shall be kept in a thoroughly clean and sanitary condition. Such toilet or toilets shall be furnished with separate ventilating flues or pipes, discharging into soil pipes, or on outside of the building in which they are situated. Lavatories and wash rooms shall be supplied with soap, water, and towels and shall be maintained in a sanitary condition. Operatives, employees, clerks, and all other persons who handle the material from which food is prepared, or the finished product, before beginning work or after visiting toilet or toilets, shall wash their hands and arms thoroughly in clean water.

SEC. 6. (2603) *Cuspidors*.—Cuspidors for the use of operatives, employees, clerks, or other persons shall be provided whenever necessary, and each cuspidor shall be thoroughly emptied and washed out daily with disinfectant solution and 5 ounces of such solution shall be left in each cuspidor while it is in use. No operative, employee, or other person shall expectorate on the floor or sidewalls of any building, room, basement, or cellar where the production, manufacture, packing, storing, preparation or sale of any food is conducted.

SEC. 7. (2604) *Kitchen, etc., not used for sleeping*.—No person shall be allowed to live or sleep in any room of a bake shop, kitchen, dining room, confectionery, creamery, cheese factory, or place where food is prepared, served, or sold.

SEC. 8. (2605) *Diseased persons not employed*.—No employer shall require, permit, or suffer any person to work, nor shall any person work, in a building, room, basement, cellar, or vehicle occupied or used for the production, preparation, manufacture, packing, storage, sale, distribution, and transportation of food, who is affected with any venereal disease, smallpox, diphtheria, scarlet fever, yellow fever, tuberculosis [or] consumption, bubonic plague, Asiatic cholera, leprosy, trachoma, typhoid fever (epidemic), epidemic dysentery, measles, mumps, German measles (Rötheln), whooping cough, chicken pox, or any other infectious or contagious disease.

SEC. 9. (2606) *Power and duty of agricultural department*.—The department of agriculture shall have authority at all times to enter and inspect any building or part thereof occupied or used for the production, sale, or distribution of food and to inspect all utensils or machinery used in production, sale, or distribution, and if, upon such inspection, the department shall find any violation of the provisions of this article or that food is being produced, sold, or distributed in a manner detrimental to health, the department shall issue an order in writing to the person in charge of such production, sale, or distribution to abate the condition or violation or to make such improvements as may be necessary to abate such conditions within a period of five days or such other reasonable time as may be determined by the department.

SEC. 10. (2607) *Noncompliance with orders; penalties*.—Any person who shall refuse to comply with any lawful orders or requirements of the department of agriculture issued under the preceding section shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not more than \$200 or imprisoned in the county jail not more than 90 days, and each day after the expiration of the time limit fixed by the order of the department for abating insanitary conditions shall constitute a separate offense.

SEC. 11. *Violation; penalty*.—Any person violating any of the provisions of this article shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding \$100 or imprisoned in the county jail not exceeding three months.

Hotels, Restaurants, Rooming Houses, and Apartment Houses—Registration Certificates—Sanitary Regulation—Inspection. (Ch. 190, Act Apr. 19, 1919.)

[TITLE III] ARTICLE XVII. HOTELS AND INNS.

SECTION 1. (3111) *"Hotel" defined; use of term; registration certificate*.—Every building or other structure kept, used, maintained, advertised, or held out to the public to be a place where food is served and sleeping accommodations are offered for pay, to transient guests, in which five or more [rooms] are used for the accommodation of such transient guests, and having one or more dining rooms or cafés where meals or lunches are served to such transient

guests, such sleeping accommodations and dining rooms being conducted in the same building, and under the same management, together with any buildings in connection therewith, shall, for the purpose of this article, be deemed a "hotel." Such only shall have the right to use the name "hotel" in connection with their business, and, upon proper application, the department of agriculture shall issue to the person conducting such business a certificate of registration for a hotel.

SEC. 2. (1312 [3112?]) "*Rooming house*" defined; *registration certificate*.—Every building or other structure, kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are furnished for pay, to transient or permanent guests, in which five or more rooms are used for the accommodation of such guests, but which does not maintain dining rooms or cafés in connection therewith, shall, for the purpose of this article, be deemed a "rooming house," and shall not have the right to the use of the name "hotel" in connection with such business. Upon proper application, the department of agriculture shall issue to the person conducting such business a certificate of registration for a rooming house.

SEC. 3. (3113) "*Apartment house*" defined; *registration certificate*.—Every building or other structure, kept, used, maintained, advertised, or held out to the public to be a place where accommodations for sleeping rooms, either single or in suites for light housekeeping, or both, but where no dining room or café is maintained in the same building, or under the same management, and where one or more families, or tenants aggregating 20 persons or more, occupy said building, together with any buildings in connection therewith, shall for this article be deemed to be an "apartment house," and shall not have the right to use the name "hotel" or "rooming house," in connection with such business. Upon proper application, the department of agriculture shall issue to the person conducting such business a certificate of registration for an apartment house.

SEC. 4. (3114) "*Restaurant*" defined; *registration certificate*.—Every building or other structure, kept, used, maintained, advertised, or held out to the public to be a place where meals and lunches are served, without sleeping accommodations, together with all outbuildings in connection therewith, shall, for the purpose of this article, be defined to be a "restaurant," and upon proper application the department of public welfare shall issue to the person owning such a business a certificate of registration for a restaurant.

SEC. 5. (3115) *Registration certificates*.—On or before July 1 in each year, every person engaged in the business of conducting a hotel or restaurant, or both, or a rooming house or apartment house, shall procure a certificate of registration for each hotel, rooming house, apartment house, or restaurant so conducted. One certificate shall be sufficient for each combined hotel and restaurant where both are conducted in the same building and under the same management. Every certificate of registration shall expire on the 30th day of June, next following its issuance. No hotel, rooming house, apartment house, or restaurant shall be maintained and conducted in this State without a certificate of registration therefor. No certificate of registration shall be transferable.

SEC. 6. (Ch. 70, Laws 1917) *Registration fees*.—The registration fee for each rooming house, apartment house, restaurant, or hotel having less than 20 sleeping rooms shall be \$2; for hotels which contain 20 and not more than 30 sleeping rooms, the registration fee shall be \$3, with an additional charge of \$1 for each additional 10 rooms. Such fee shall be paid to the State treasurer under the direction of the department of finance before the certificate of regis-

tration is issued. Said certificate of registration shall be kept properly framed and in a conspicuous place in the office of said hotel, rooming house, apartment house, or restaurant. Said certificate of registration may be canceled for cause by the department of agriculture at any time.

SEC. 7. (3117) *Application blank*.—The department of agriculture shall, upon request, furnish to any applicant for a certificate under this article the necessary blank which the applicant shall fill in, stating the full name and address of the owner and agent of the building, or both, the lessee and manager, together with a full description of the building and property to be used, and the location of the same. The application shall be accompanied by the registration fee.

SEC. 8. (3120) *Plumbing, lighting, ventilation, sanitation, etc.*—Every hotel, rooming house, apartment house, and restaurant in this State shall be properly plumbed, lighted, and ventilated, and shall be conducted in every department with strict regard to health, comfort, and safety of the guests. Each sleeping room shall have at least one door, one window, and a transom as wide as the door, leading into the hallway. No room shall be used for a sleeping room which does not open to the outside of the building or upon light wells, air shafts, or courts. In each sleeping room there must be at least one window affording easy access to the outside of building, light wells, or courts.

SEC. 9. (3121) *Water-closets*.—In all cities and villages where waterworks and sewer system are maintained for public use, every hotel, rooming house, apartment house, and restaurant therein operated shall be equipped with suitable and sanitary toilet facilities. All lavatories, bathtubs, sinks, drains, closets, and urinals in such hotels, rooming house[s], apartment houses, or restaurants must be connected by proper plumbing with the water and sewer systems.

SEC. 10. (3122) *Privies*.—In all cities and villages not having a system of waterworks, every hotel, rooming house, apartment house, or restaurant shall have properly constructed privies or overvaults to receive the night soil, the same to be kept clean and well screened at all times, and free from all filth of every kind.

Separate apartments, properly designated, shall be furnished for each sex.

SEC. 11. (3123) *Wash room*.—Every hotel or restaurant in this State shall be provided with a main wash room, convenient and of easy access of [to] guests.

SEC. 12. (3129) *Towels*.—All hotels and restaurants in this State shall furnish in the main public wash room, individual towels, in view and reach of the guests, and in each bedroom two clean towels, for each guest. Individual towels shall not be less than 10 inches wide and 15 inches long.

SEC. 13. (3130) *Sheets, pillow slips*.—All hotels and rooming houses shall provide each bed, bunk, cot, or other sleeping place for the use of guests with pillow slips and under and top sheets. Every sheet shall be not less than 90 inches long and of sufficient width to completely cover the mattresses and spring. Sheets and pillow slips shall be made of white cotton or linen, and, after being used, shall be washed and ironed before they are used by another guest.

SEC. 14. (3131) *Bedding material; vermin*.—All bedding, including mattresses, quilts, blankets, pillows, sheets, and comforts used in any hotel or rooming house shall be thoroughly aired, disinfected, and kept clean. Ragged bedding shall not be used. Every room in a hotel, rooming house, or restaurant, infected with vermin or bedbugs, shall be fumigated, disinfected, and renovated until all vermin or bedbugs are exterminated.

SEC. 15. *Inspection; prosecution.*—The department of agriculture shall, at least once annually, inspect every hotel, rooming house, apartment house, or restaurant in this State. It shall have the right of entry and access to any such places at any reasonable time. Whenever upon inspection the department shall find that such places or the property so inspected is not conducted or equipped as required by the provisions of this article, the department shall notify the owner, proprietor, or agent in charge thereof. Such notice shall be in writing and shall specify the requirements of the department to make such place of business conform to the requirements of this article, and the time within which compliance must be had. If the requirements of the department in such notice specified are not complied with within the time in such notice specified, the department may order the premises closed for use as hotel, rooming house, apartment house, or restaurant until all the provisions of this article shall be complied with, and if such closing order is not obeyed, the owner, proprietor, or agent in charge shall be enjoined and restrained by order of court upon a petition and showing of such violation by the department.

SEC. 16. *Notice to comply.*—If, upon inspection, the department shall find that any of the provisions of this article are being violated, it shall serve notice in writing upon the owner, agent, lessee, or manager of the building or premises, which notice shall specify the time allowed for complying with the provisions hereof. That if upon expiration of such time the provisions of this article have not been complied with, a restraining order and injunction shall issue upon a petition showing such violation.

SEC. 17. *Violation; penalty.*—Any person violating any of the provisions of this article shall be fined in a sum not exceeding \$100, or imprisonment in the county jail not exceeding three months.

Communicable Diseases in Animals—Prevention and Eradication—Appraisal and Destruction of Diseased Horses or Mules—Compensation of Owners.
(Ch. 190, Act Apr. 19, 1919.)

[TITLE III] ARTICLE II. LIVE STOCK.

SECTION 1. (*S. 145*) *Duties; powers.*—The department of agriculture shall be vested with power and charged with the duties of protecting the health of live stock in Nebraska, of determining and employing the most effective means for the prevention and eradication of contagious and infectious diseases, of quarantining when necessary, and of regulating the arrival into, and departure from, and movement within the State of animals infected or exposed to infection or contagion.

SEC. 2. (*S. 153*) *Penalty for harboring diseased animals.*—Any person who shall violate any quarantine regulation established by the department of agriculture or who shall knowingly harbor, or sell any animal afflicted with infectious or contagious disease, shall, upon conviction, be fined not less than \$50, nor more than \$1,000 for each offense.

SEC. 3. (*See sec. 152 to 154*) *Diseased animals examined and appraised.*—Whenever any horse or mule shall be found, by any authorized agent of the department of agriculture, after inspection, to be afflicted with glanders or duraine [dourine?], its value shall, within 24 hours thereafter, be determined by three appraisers, one of whom shall be selected by the secretary of agriculture, one by the owner of the horse or mule, and the third by the two so selected.

SEC. 4. *Killing diseased animals; compensation.*—The owner of the horse or mule so afflicted shall, immediately after the determination of its value as in this article provided, kill the same, and, on presentation to the auditor of the

State of Nebraska of evidence that the provisions of this article have been complied with, that the animal killed was at least 1 year old and had in good faith been owned and kept within the State for one year, be entitled to reimbursement from the treasury of the State in the sum of two-thirds of the appraised value of such horse or mule but not to exceed \$133.33, for any one horse or mule killed.

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Cattle—Tuberculin Testing—Prevention and Control of Tuberculosis—Appraisal and Destruction of Tuberculous Animals—Compensation of Owners.
(Ch. 190, Act Apr. 19, 1919.)

. [TITLE III] ARTICLE XX. TUBERCULAR LIVE STOCK.

SECTION 1. *Acceptance of Federal appropriation.*—Assent is hereby given to the provisions of an act of Congress entitled, "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1919," approved October 1, 1918, and the good faith of this State is hereby pledged to provide sufficient funds in cooperation with and supplementary to payments to be made by the secretary of agriculture with respect to compensating the owner of tubercular cattle destroyed when in the discretion of said secretary of agriculture and the department of agriculture, it shall be necessary.

SEC. 2. *Bovine tuberculosis fund; appropriation.*—For the purpose of carrying out the provisions of this article there is hereby appropriated out of the general fund of the State of Nebraska the sum of \$75,000, or so much thereof as may be necessary. The funds herein appropriated shall be placed by the auditor of public accounts and the State treasurer to the credit of a fund to be known as the bovine tuberculosis fund, and warrants not exceeding the amount herein appropriated shall be drawn by the auditor upon certificates presented by the department of agriculture, and warrants so drawn shall be paid by the State treasurer.

SEC. 3. *Testing cattle shipped into State.*—Hereafter all cattle shipped into this State, except those shipped in for immediate slaughter, and all cattle shown at the Nebraska State Fair, may, in the discretion of the department, be tested for the disease known as tuberculosis under rules and regulations which the Secretary of Agriculture and the Department of Agriculture shall from time to time prescribe: *Provided, however,* In addition to the above test said department may order a retest within 60 days after the original test.

SEC. 4. *Department to make rules, etc.*—The department shall make necessary rules and regulations to carry into effect the purposes of this article, and any regulations so made shall be published in a newspaper, or in as many newspapers as said department may deem necessary, or they shall be posted in not less than five public places, and such publication shall be deemed legal notice to all persons.

SEC. 5. *Power to prohibit arrival and departure of affected stock.*—Authority is hereby given to the department to regulate or prohibit the arrival in or departure from the State, or any portion of the State, of any such exposed or affected animals, and at the cost of the owner or owners thereof to detain such animals found in violation of said regulations or prohibitions.

SEC. 6. *Examination at owner's request.*—Whenever any owner or owners of dairy or beef animals in this State believe that any of said animals owned by him are infected with the disease known as tuberculosis, upon written request made to the department, said department may send its agent, who shall be a duly licensed and experienced veterinarian, to test the animal of said owner

for the disease known as tuberculosis, at the expense of said State. If it appears necessary for the control or the eradication of such disease that any animal or animals found infected shall be destroyed, they may be killed and compensation shall be paid the owner thereof: *Provided, however,* That in no case shall payment by the State of Nebraska be more than \$25 for any grade animal or more than \$50 for any pure-bred animal. The maximum valuation herein provided shall be exclusive of any compensation paid or reimbursement made to the owner or keeper of said tuberculous cattle by the Secretary of Agriculture or its [his] agent for the destruction thereof as contemplated by said act of Congress referred to in section 1 of this article. No payment by way of compensation shall be made by the State of Nebraska unless the owner has complied with all lawful quarantine regulations, and that no payment made by the State as compensation for any tuberculous animal destroyed shall exceed one-third of the difference between the appraised value of such animal and the value of the salvage thereof. No compensation will be paid any owner of tubercular cattle whose entire herd is not under Federal and State supervision for the eradication of tuberculosis.

SEC. 7. *Appraisal of animals before killing.*—Before any animals infected with tuberculosis shall be ordered killed, they shall be appraised by a representative of the Bureau of Animal Husbandry [Industry] of the United States Department of Agriculture and a representative of the State. If the representative of the Department of Agriculture and the representative of the State shall disagree as to the amount of the appraisal, or if the owner refuses to accept the appraised value, the animal shall be appraised in accordance with the laws and regulations of the State in which animals are destroyed under section 152, Revised Statutes of Nebraska for 1913, as amended by section 1, chapter 11,² Session Laws of Nebraska for 1915. In the appraisal of tuberculous cattle, due consideration shall be given to their breeding value as well as to their dairy or meat value.

SEC. 8. *Report of liens to be made before payment for cattle destroyed.*—When any dairy or beef animals have been destroyed pursuant to this act, the agent of the Department of Agriculture in charge shall take reasonable precautions to determine prior to his approval of vouchers in which compensation therefor is claimed, who is the owner thereof, and whether there are any mortgage or other liens outstanding against said animal. If it appears there are outstanding liens, a full report regarding same shall be made, and shall accompany the voucher. Every such report shall include a description of the lien, the name of the person or persons having possession of the documentary evidence thereof, and a statement showing what arrangements, if any, have been made to discharge the lien outstanding against the animals destroyed, of which the agent of the department in charge may have knowledge.

Pupils—Examination of, by Teachers for Certain Physical Defects—Exclusion from School on Account of Communicable Diseases. (Ch. 241, Act Mar. 24, 1919.)

SECTION 1. *Teachers to examine pupils.*—It shall be the duty of every teacher engaged in teaching in the schools of the State, separately and carefully, to test and examine every child under his jurisdiction to ascertain if such child is suffering from defective sight or hearing or diseased teeth, or breathes through its mouth. If such test determines that any child has such a defect, it shall be the duty of the teacher to notify in writing the parent of the child of such defect and explain to such parent the necessity of medical attendance for such child. Whenever a child shall show symptoms of any contagious or infectious disease

² Pub. Health Repts. Reprint 338, p. 340.

such child shall be sent to his home immediately, or as soon as safe and proper conveyance can be found, and the board of health or school board or board of education shall be at once notified.

SEC. 2. *State board of health; duties.*—The State board of health shall prescribe rules for making such tests, and shall furnish to boards of education and boards of trustees of school districts rules of instructions, test cards, blanks, and other useful appliances for carrying out the purposes of this act.

SEC. 3. *Time of testing.*—During the first month of each school year, after the opening of school, teachers must make the tests required by this act upon the children then in attendance at school; and thereafter, as children enter school during the year, such tests must be made immediately upon their entrance.

SEC. 4. *Boards of education to enforce.*—It shall be the duty of the boards of education and school boards of the several school districts of the State to enforce the provisions of this act.

SEC. 5. *Boards of education employ physicians.*—The board of education or school board of any school district may employ regularly licensed physicians to make the tests required by section 1 of this act, and when such tests are made by a physician, the teachers shall not be required to make the tests provided for in section 1 of this act.

SEC. 6. *Violation; penalty.*—Any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed \$100.

Places of Employment—Water-Closets or Privies—Dressing Rooms—Prevention of Dust or Fumes—Cleanliness—Ventilation. (Ch. 190, Act Apr. 19, 1919.)

[TITLE IV] ARTICLE IV. HEALTH AND SAFETY REGULATIONS.

SECTION 1. (*\$588 Safe access; water-closets.*)—Every factory, mill, workshop, mercantile or mechanical establishment or other building where one or more persons are employed shall be provided within reasonable access with a sufficient number of water-closets, earth closets, or privies for the reasonable use of the persons employed therein, and whenever male and female persons are employed as aforesaid together, water-closets, earth closets, or privies separate and apart shall be provided for the use of either sex, and plainly so designated, and no person shall be allowed to use such closet or privy assigned to the other sex. Such closet shall be properly inclosed and ventilated and at all times kept in a clean and sanitary condition. When the number employed is more than 20 of either sex, there shall be provided an additional closet for each sex up to the number of 40 and above that number in the same ratio. The department of labor or any person authorized by the department may require such changes in the placing of such closets as the department may deem necessary and may require other changes which may serve the best interest of morals and sanitation.

SEC. 2. (*\$589 Dressing rooms.*)—In factories, mills, or workshops, mercantile or mechanical establishments or other places where the labor performed by the operator is of such a character that it becomes necessary to change the clothing, wholly or in part, before leaving the building at the close of the day's work, separate dressing rooms shall be provided for females whenever so required by the department of labor. It shall be the duty of every occupant, whether owner or lessee of any such premises used as specified by this article, to make all the changes and additions thereto. In case such changes are made upon the order of the department of labor, to the lessee of the premises, the

lessee may at any time within 30 days after the completion thereof bring an action against any person or corporation or partnership having interest in such premises, and may recover such proportion of expenses of making such changes and additions as the court adjudges should justly and equitably be borne by such defendant.

SEC. 3. (3590) *Pure air*.—If in any of the aforesaid places any process is carried on by which dust or fumes are caused, which may be inhaled by the person employed therein, or if the air should become exhausted or impure, there shall be provided a fan or other such mechanical device as will substantially carry away all such dust or fumes or other impurities, subject to the approval of the department of labor.

SEC. 4. (3591). All of the aforesaid places shall be kept clean and free from effluvia arising from any drain, privy, or nuisance, and shall be ventilated and kept in a sanitary condition. The department of labor or any person authorized by the department may require such changes or additions to be made in any of the aforesaid places as will promote the best measures of sanitation.

SEC. 5. (3592) *Protection from dust*.—All persons, companies, or corporations operating any factory or workshop where grinding wheels, or grinding machines, emery wheels or emery belts of any description are used, either solid emery, leather covered, felt, canvas, linen, paper, cotton, or wheels or belts rolled or coated with emery or carborundum or cotton wheels used as buffs, shall, when deemed necessary by the department of labor, provide such wheels or belts with blowers or similar apparatus, which shall be placed over, beside, or under such wheels or belts in such manner as to protect the person or persons using the same from particles of dust produced and caused thereby, and to carry away the dust arising from or thrown off by such wheels or belt while in operation directly to the outside of the building or to some receptacle placed so as to receive and confine such dust: *Provided*, Grinding machines upon which water is used at the point of grinding contact and other wheels used for tool grinding shall be exempt from the provisions of this article.

SEC. 6. (3593) *Defective wheels or grindstones*.—No emery wheels or grindstones in any factory, mill, or workshop shall be used when known to the person using the same to be cracked or otherwise defective, nor operated at a greater speed than indicated or guaranteed by the manufacturer of such emery wheel or grindstone.

SEC. 7. (3594) *Hoods for grinding wheels*.—Each and every emery wheel and grindstone shall be fitted with a sheet or cast iron hood or hopper, of such form so adjusted that the dust or refuse therefrom will fall or be thrown into such hood or hopper by centrifugal force, and be carried off by the current of air into a suction pipe.

SEC. 8. (3595) *Suction pipes*.—Every such wheel 6 inches or less in diameter shall be provided with a 3-inch suction pipe; wheels 6 inches to 24 inches in diameter, with 4-inch suction pipe; wheels from 24 inches to 36 inches in diameter, with 5-inch suction pipe; and every wheel exceeding 36 inches in diameter shall be provided with a suction pipe not less than 6 inches in diameter. The suction pipe from each wheel shall be of full size to its terminus, and a suction pipe to which smaller pipes are attached shall, in its capacity, be equal to the combined capacities of all smaller pipes attached thereto, and the discharge pipe shall be of as large capacity as, or larger capacity than, the combined capacities of all the suction pipes.

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NEVADA.

Rabies and Noxious Animals—Appropriation for Control and Eradication. (Ch. 29, Act Mar. 6, 1919.)

SECTION 1. Section 2 of the act¹ of the legislature entitled and approved as aforesaid [An act creating the State rabies commission, prescribing its membership and duties, and making an appropriation for the control and eradication of rabies and noxious animals within the State of Nevada, in cooperation with the Biological Survey of the United States Department of Agriculture, approved March 8, 1917], is hereby amended to read as follows:

SEC. 2. For the cooperative support of the work of control and eradication of rabies and noxious animals as aforesaid, there is hereby appropriated \$35,000, annually, for the fiscal years 1919 and 1920, from any moneys in the State treasury not otherwise appropriated. The proceeds of the ad valorem tax heretofore levied or collected shall be placed in a special fund in the State treasury for the purpose provided and pursuant to this act. All claims against said fund and appropriation shall be approved by the chairman and secretary of said commission and by the State board of examiners.

State Board of Health—Creation, Powers, and Duties—Members—Duties and Salary of Secretary—Laboratory—Appropriation. County Health Officers and Deputies—Appointment, Powers, Duties, and Compensation. City Health Officers—Appointment, Powers, Duties, and Compensation. County and City Boards of Health—Establishment, Powers, and Duties. Communicable Diseases—Prevention and Control. Marriage Licenses—Reports to State Board of Health of Issuance of. (Ch. 117, Act Mar. 27, 1919.)

SECTION 1. Section 1 of the above-entitled act [An act to create a State board of health, defining their duties, prescribing the manner of the appointment of its officers, fixing their compensation, making an appropriation for the support of said board, establishing county boards of health, requiring certain statements to be filed, defining certain misdemeanors, and providing penalties therefor and other matters relating thereto, approved March 27, 1911] is hereby amended so as to read as follows:

SECTION 1. *State board of health.*—The State board of health is hereby created, consisting of the governor, secretary of state, and three other members who shall be graduated licensed physicians with the degree of M. D., and to be appointed by the governor. The three additional members shall be appointed by the governor for the term of four years. The president of the board shall be the governor. In appointing such additional three members of the board the governor shall designate one of them to be secretary of said board.

SEC. 2. Section 4 of the above-mentioned act is hereby amended so as to read as follows:

¹ Supplement No. 37 to the Pub. Health Repts., p. 267.

SEC. 4. Duties of secretary; salary.—The secretary shall be the State health officer and executive officer of the board and the State registrar of vital statistics. He shall carefully compile the reports of the various health officers of this State as hereinafter provided, keep the minutes of all meetings of the board, and attend to all correspondence in carrying out the provisions of this act. He shall investigate sanitary conditions and the prevalence of disease in the State and perform such other duties as the State board of health may direct or this act or any other act may require. It shall be his duty to strictly enforce all laws passed for the protection of the public health and improvement of sanitary conditions of the State, and to enforce all rules, regulations, and orders of the State board of health. He shall receive a salary of \$2,500 the year, and his necessary expenses actually incurred in the performance of his duties, to be paid monthly in the same manner as the salary and expenses of other State officers are paid, upon vouchers signed by the secretary of the State board of health, and approved by the State board of examiners.

SEC. 3. Section 6 of the above-mentioned act is hereby amended so as to read as follows:

SEC. 6. Local health officer; duties; salary.—On or before January 1 next following each general fall election the board of county commissioners shall appoint a local health officer for the county, who shall be learned in sanitary science, public-health practice, and the diagnosis of infectious diseases, and shall fix his compensation. His term of office shall be for one year or until his successor has been appointed and qualified. He shall be ex officio member of the county board of health and shall be the executive officer thereof and may be county physician; and shall act as a collector of vital statistics for his county and is empowered to appoint such deputy or deputies as may be necessary, with the approval of the board of county commissioners. For performing the duties prescribed in this act he shall receive from the county a sum not less than \$25 per month, or such greater amount as may be determined by the board of county commissioners. The board of county commissioners are directed to allow a claim for this or for such greater sum as they may deem proper for the work performed; the deputies appointed by the local health officer, with the approval of the county commissioners, shall be paid the compensation agreed upon for performing the duties prescribed by the State board of health and by this act in the same manner. The deputy health officers shall file with the local health officer of the county monthly reports and all original birth and death certificates executed by them, not later than the 5th day of each month, which said reports shall be compiled by the local health officer and forwarded to the secretary of the State board of health not later than the 10th day of each month. In counties where deputy registrars are appointed, the county commissioners shall allow them a monthly salary or the sum of \$1 for each birth and death certificate executed by them.

In the case of refusal of any board of county commissioners to appoint a county health officer for 30 days after January 1 next following any general fall election, or if a vacancy shall exist in the office of county health officer for a period exceeding 30 days, the State board of health may make such appointment for such county for that term and fix the compensation, and a health officer so appointed shall have the same duty, power, and authority as though appointed by the county board of health.

SEC. 4. Following section 24 the following sections are hereby inserted:

SEC. 25. State board of health; general authority.—(1) The said board shall have general supervision over all matters relating to the preservation of the health and life of citizens of the State, and shall especially study the vital statistics of the State and endeavor to put the same to intelligent and profit-

able use. They shall make sanitary investigations and inquiries respecting the causes of disease, especially epidemics, the causes of mortality, and the effects of localities, employments, conditions, habits, and circumstances, and shall diffuse such information as they may deem proper. They shall, when required, advise public boards or officers in regard to location, drainage, water supply, disposal of excreta, heating and ventilation of any public building or institution, and shall recommend from time to time, works of hygiene for the use of the public schools. They shall send their epidemiologist or a committee to any part of the State whenever necessary to investigate the cause and circumstances of an outbreak of a communicable or unusual disease. The board shall prepare and issue from time to time popular bulletins of educational value pertaining to sanitation and the causes and prevention of disease; and they shall in January of each odd-numbered year report to the governor their transactions, investigations, and discoveries during the preceding term and such suggestions for legislation as they think fit. They shall have power to designate diseases reportable in addition to such diseases herein designated as contagious, infectious, and reportable. They shall possess all powers necessary, to fulfill the duties prescribed in the statutes and to bring action in the courts for the enforcement of health laws and health rules. They shall have power to make sanitary inspections and surveys in all parts of the State, and after due notice to enter upon and inspect private property in regard to the presence of cases of infectious and contagious diseases and to determine the cause and source of disease. The State board of health at any regular or special meeting may, in its discretion, empower the State health officer to act for the board upon such matters as it may determine in issuing and enforcing orders in compliance with the public health laws and rules and regulations adopted by the board.

(2) *Quarantine, drainage, alleys, etc.*—The State board of health, when necessary, shall have power to establish a quarantine, may modify, relax, and abolish it when it has been established and may order and execute what is reasonable and necessary for the prevention and suppression of disease; to close schools and churches; forbid public gatherings when deemed necessary to control epidemics; to condemn and abate conditions detrimental to health or likely to cause disease in accordance with law.

(3) *Rules; enforcement of.*—The board shall have power to adopt and enforce rules and regulations governing the duties of all health officers and health boards in conformity with this act, and any violation of said rules shall be punished by a fine of not less than \$10 nor more than \$100 for each offense. All rules adopted and published in conformity with this section shall bear the seal of the State board of health and be attested by the State health officer. Such rules and regulations shall be published in a paper or papers of general circulation and distribution in pamphlet or leaf form to all health officers and any citizens asking for the same. Such rules and regulations shall not be effective until after their publication.

(4) *State epidemiologist; duties, salary.*—When an emergency therefor exists the board shall employ an epidemiologist who shall be a physician, learned in epidemiological methods, a skilled bacteriologist, and experiences in the diagnosis of infectious diseases. When making laboratory investigations in any capacity, he shall work under the direction of the director of said hygienic laboratory. It shall be his duty to investigate all epidemics and threatened epidemics of communicable diseases that may occur in the State, and advise the local health officers as to the best measures to be taken to prevent and control such diseases, and he shall supervise all measures taken by the local health officers for the suppression and control of disease, and perform such other duties, as the State board of health may from time to time prescribe. He

shall receive such compensation as may be agreed at the time of his employment.

SEC. 26. State board; powers as to contagious diseases; effect of rules.—The board shall have power to establish such system of inspection as in their judgment may be necessary to ascertain the presence of the contagion or infection of Asiatic cholera, diphtheria, scarlet fever, smallpox, plague, leprosy, typhus, or ship fever, yellow fever, or any other dangerous contagious disease—the words “dangerous contagious disease,” as used in this section, meaning such dangerous contagious and infectious diseases as the board shall designate as contagious and dangerous to the public health and any member or duly authorized agent or inspector of said board may enter, when necessary to protect the public, any public or private premises, building, railway car, or other public vehicle to inspect the same and remove therefrom any person affected by such a disease, and for this purpose may require the person in charge of any public vehicle, other than a railway car, to stop the same at any place, and may require the conductor of any railway train to stop his train at any station or upon any sidetrack for such time as may be necessary. The board may also, from time to time and when necessary, make, alter, modify, or revoke rules and regulations for guarding [against] the introduction of any disease into the State, for the control and suppression thereof within it, for the quarantine and disinfection of persons, localities, and things infected or suspected of being infected by such disease, for the transportation of dead bodies, for the speedy and private interment of the bodies of persons who have died from dangerous contagious diseases, for the proper sanitary care of jails, asylums, schoolhouses, hotels, and all other public buildings, and the premises connected therewith, and in emergency may provide those sick with any such disease with necessary medical aid and with temporary hospitals for their accommodation and also for their nurses and attendants. The board may declare any or all of its rules and regulations made in accordance with the provisions of this section to be in force within the whole or any specified part of the State and make them applicable to any railway car or public vehicle of any kind. Such rules and regulations, if of general application, shall be published in a paper or papers of general circulation; but whenever, in the judgment of the board, it shall be necessary so to do, special rules, regulations, or orders may be made for any city, village, or town without being so published, and the service of copies thereof upon the proper city, village, or town officers shall be sufficient notice thereof. Rules, regulations, or orders made in accordance herewith shall supersede all local rules, regulations, or ordinances that may be in conflict therewith. All health officers, local boards of health, sheriffs, constables, policemen, marshals, and other officers and employees shall respect and enforce the rules and regulations made in pursuance hereof in every particular affecting their respective localities and duties. It is the duty of all city, county, town, and village officers, of all local boards of health, and all officers and persons in charge of all institutions, buildings, and vehicles within this section to cooperate with the State board of health in carrying out these provisions.

SEC. 27. County board of health; composition.—Each of the several counties of the State of Nevada shall establish a county board of health to consist of the board of county commissioners, sheriff, and the local health officer of the county, who shall act as chairman of the board, and the county recorder shall be the clerk thereof. All of said officers shall serve without additional compensation.

SEC. 28. County board of health; powers and duties.—It shall be the duty of said county board of health to oversee all sanitary conditions of the respec-

tive county in which the board is created, and to make such rules and regulations as may be necessary for the prevention, suppression, and control of any contagious or infectious disease, dangerous to the public health, which rules and regulations shall take effect from and after their approval by the State board of health. They shall have the authority to abate nuisances in accordance with law, to establish and maintain an isolation hospital or quarantine station when necessary, and to restrain, quarantine, and disinfect any person or persons sick with or exposed to any contagious or infectious disease, dangerous to the public health. They are empowered to appoint quarantine officers when necessary to enforce quarantine and shall provide whatever medicines, disinfectants, and provisions may be required, and shall arrange for the payment of all debts or charges so incurred from any funds available: *Provided, however*, Each patient shall, if able, pay for his food medicine, clothes, and medical attendance. The county board of health shall be subject to the supervision of the State board of health, and shall make such reports to the State board as the State board may require.

SEC. 29. *City board of health, composition; health officer.*—Every city of the first and second class shall, and every city of the third class may, provide by ordinance for the establishment of a board of health therefor. Such board of health shall be composed of three members appointed by the mayor, at least one of whom shall be learned in sanitary science and public health practice and experienced in the diagnosis of infectious diseases, and shall be the local health officer and executive of the board. If no member, or more than one member, is experienced in the diagnosis of infectious diseases and learned in sanitary service, the board shall appoint the health officer. The compensation of the city health officer shall be prescribed by the city council and the same, together with his necessary expenses, shall be paid by the municipality in which he serves.

SEC. 30. *City board of health; powers and duties.*—It shall be the duty of the said city board of health to oversee all sanitary conditions of the respective city in which the board is created and to make such rules and regulations as may be necessary for the prevention, suppression, and control of any contagious or infectious disease, dangerous to the public health, which rules and regulations shall take effect from and after their approval by the State board of health. They shall have the authority to abate nuisances, in accordance with statutes now in force or hereafter enacted, to establish a temporary isolation hospital or quarantine station when emergency demands, and to restrain, quarantine, and disinfect any person or persons sick with or exposed to any contagious or infectious disease, dangerous to the public health. They are empowered to appoint quarantine officers when necessary to enforce quarantine, and shall provide whatever medicines, disinfectants, and provisions may be required, and the city council is directed to pay all debts or charges so incurred: *Provided, however*, Each patient shall, if able, pay for his food, medicine, clothes, and medical attendance.

SEC. 31. *Powers and duties of health officers.*—The local health officer of the county shall have supervision over all matters pertaining to the preservation of the life and health of the people of his county, except incorporated cities of the first and second class having a health officer appointed in accordance with the provisions of this act, which shall be under the jurisdiction of the city health officer, subject to the supervision and control of the State board of health. Every health officer shall have authority to order the abatement or removal of any nuisance detrimental to the public health in accordance with the laws relating to such matters. He shall cause proper measures, in accordance with

the rules and regulations, and orders of the State board of health, to be taken to prevent, suppress, and control any dangerous contagious or infectious disease within his jurisdiction—the words “dangerous, contagious, or infectious disease,” as used in this section, meaning such diseases as the State board shall designate as contagious and infectious and dangerous to the public health as in this act provided.

All deputy health officers and city health officers in cities of the third class shall report immediately to the local health officer of the county every new outbreak of any contagious or infectious disease occurring within their jurisdiction. All county health officers and city health officers of cities of the first and second class shall report to the State board of health, on blanks provided for that purpose, all cases of contagious or infectious diseases reported to them in such manner and at such time as may be required by the rules and regulations of the State board.

Whenever a health officer shall know, suspect, or be informed of the existence of any dangerous, contagious, or infectious disease within his jurisdiction it shall be his duty immediately to investigate such case and all circumstances connected therewith and at all times promptly to take such measures for the prevention, suppression, and control of such disease as may be required by the rules and regulations of his board and the rules and regulations of the State board of health. Every health officer when necessary shall have power to remove to and restrain in an isolation hospital or quarantine station, or to quarantine or isolate, any person sick with a dangerous contagious or infectious disease until such person shall have thoroughly recovered and been disinfecting: *Provided*, That no person shall be removed to or restrained in an isolation hospital until such person has been examined by the local health officer or a medical deputy to determine whether or not such removal may be carried out without endangering the life of such patient: *And provided further*, That such removal shall not be made unless the same is necessary in order to protect the public. He shall also quarantine, restrain, or disinfect any person or persons exposed to any dangerous contagious or infectious disease in such manner and for such time as necessary and as the rules and regulations of his board and the rules and regulations of the State board of health require. He shall disinfect any room or house or building and the contents thereof, or any clothing, bedding, furniture, or other article that may be infected, in such manner that the danger of conveying a disease by such means shall be destroyed. He shall have the right of entry on private property at reasonable hours for the purpose of investigating any case or suspected case of a contagious or infectious disease.

SEC. 32. *Contagious diseases in schools.*—(1) *Duty of health officer.*—Upon the appearance of any dangerous contagious disease in any school district it shall be the duty of the health officer in whose jurisdiction the schoolhouse is located to notify at once, in writing, the principal or teacher of such school and the librarians of all libraries in such school district, giving the names of all families where the disease exists. If the rules of the State board of health provide for the exclusion from school of teachers or pupils from homes where such disease exists, the health officer shall request the principal of the school to exclude from school attendance all such persons until a written order signed by the health officer permitting attendance at school is presented.

(2) *Duty of principal or teacher.*—Whenever the principal or teacher of the school has been notified of the presence of a dangerous contagious disease in the school district, or whenever the principal or teacher of the school knows or believes that a dangerous communicable disease is present in the school dis-

strict, it shall be the duty of such principal or teacher to at once notify the health officer in whose jurisdiction the schoolhouse is located of such sickness. The health officer shall then investigate all such cases to determine whether or not a dangerous contagious disease is present in such family and take proper action.

(3) *Exclusion from school.*—Parents, guardians, or persons having custody of any child or children shall not permit knowingly such child or children, if afflicted with a dangerous contagious disease, to attend school.

SEC. 33. *Use of State hygienic laboratory by State board of health.*—The State hygienic laboratory, which has been established in connection with the State university, shall be the official laboratory for the State board of health, and the director of said laboratory is hereby instructed to make for the said State board of health all examinations and analyses pertaining to the diagnosis and prevention of infectious diseases that may be reasonably requested under the provisions of sections 3941 and 3944 of the revised laws of 1912.

SEC. 34. *Duty of county clerks.*—It shall be the duty of the county clerks of the several counties of the State to transmit to the secretary of the State board of health, on or before the 10th day of January and the 10th day of July of each year, the number of marriage licenses issued by them during the preceding six months.

SEC. 5. Section 29 of the above-mentioned act is hereby renumbered and amended so as to read as follows:

SEC. 38. *Appropriation.*—For the purpose of carrying out the provisions of this act the sum of \$10,000 is hereby appropriated in accordance with the following budget, out of any money in the general fund not otherwise appropriated, and the State controller is hereby authorized to draw his warrant on the State treasury for the amount of these claims or other necessary expenditures, when approved by the State board of health, and the State treasurer is hereby directed to pay the same:

For the salary of the secretary of the State board of health.....	\$5, 000
For compensation of epidemiologist.....	1, 500
For traveling expenses of the epidemiologist.....	500
For general support of the State board of health.....	3, 000

SEC. 6. *Repeal.*—Those certain acts entitled "An act to create a county board of health in each of the several counties of the State of Nevada," approved March 2, 1905; "An act to provide for the recording of births and deaths in the several counties of the State of Nevada," approved February 26, 1887; "An act to provide for preventing the spread of contagious diseases," approved March 12, 1903; "An act" to amend an act entitled "An act creating a State board of health, defining their duties, prescribing the manner of the appointment of its officers, fixing their compensation, and making an appropriation for the support of said board, establishing county boards of health, requiring certain statements to be filed, and defining certain misdemeanors and providing penalties therefor and other matters relating thereto, approved March 27, 1911, by amending section 6 thereof and adding three new sections thereto, and providing for the renumbering of sections 25, 26, 27, 28, 29, and 30," approved March 15, 1913; and all other acts and parts of acts in conflict herewith, are hereby repealed.

SEC. 7. *Violation.*—A violation of any of the provisions of this act by any person, firm, or corporation, or refusal or neglect to obey any lawful order, rule, or regulation of the State board of health shall be a misdemeanor and punishable as such.

SEC. 8. *Treatment by prayer.*—None of the provisions of this act or the laws of this State regulating the practice of medicine or healing shall be construed to interfere with the treatment by prayer or with any person who administers to or treats the sick or suffering by mental or spiritual means, nor shall any person who selects such treatment for the cure of disease be compelled to submit to any form of medical treatment, nor shall any such person be removed to any isolation hospital or camp without their consent: *Provided*, The sanitary and quarantine laws of the State are complied with.

Watercourses—Appropriation for Prevention of Pollution of. (Ch. 148, Act Mar. 27, 1919.)

SECTION 1. The above-entitled act^{*} [An act to protect the people of the State of Nevada in the pollution of its public streams; making an appropriation therefor and controlling the administration thereof, approved March 8, 1917] is hereby amended by adding thereto an additional section, to be known as section 8, as follows:

SEC. 8. An additional sum of \$5,000 is hereby appropriated for the purpose of carrying out the provisions of this act. The money so appropriated shall be paid from the general fund of the State of Nevada not otherwise appropriated.

^{*} Supplement No. 37 to the Pub. Health Repts., p. 272.

NEW HAMPSHIRE.

Ophthalmia Neonatorum—Preventive Treatment. (Ch. 9, Act Feb. 10, 1919.)

SECTION 1. Amend chapter 85,¹ laws of 1915, by inserting in place of section 1, a new section to read as follows:

SECTION 1. The attending physician, accoucher, midwife, or other person in charge, who shall attend, assist, or advise at the birth of any living child within the limits of a town or city of this State, shall in order to prevent infection resulting in sore eyes and possible blindness, after washing the lids and adjacent tissues immediately following birth, drop into each eye of every child a single drop of a 1 per cent solution of nitrate of silver, or some equally efficient solution.

SEC. 2. Renumber section 1 to section 2; section 2 to section 3; section 3 to section 4; section 4 to section 5.

Tuberculosis—Free Beds in Approved Hospitals for Treatment of Indigent Cases. (Ch. 231, J. R. Mar. 28, 1919.)

That for the treatment of persons afflicted with tuberculosis, particularly in the advanced stage and who are unable to pay the cost of such treatment, and for the encouragement of the establishment and maintenance of sanatoria for the treatment of such persons, the State board of charities and correction be and hereby are authorized to engage free beds in such sanatoria or other places as have been approved by the State board of health for the treatment of such persons as the State board of charities and correction may specify. Indigent consumptives, citizens of the State, who are unable to pay any part of the cost of said treatment, may be admitted to said free beds by the authority of the secretary of the State board of charities and correction. In accordance with the ordinary regulations of said sanatoria. Persons in needy circumstances, who, by themselves, relatives, or friends, are unable to pay part of the cost of said treatment, may be admitted to said sanatoria or other places and maintained and treated therein at the expense of the State to that extent that they can not by themselves, friends, or relatives, chargeable therefor, pay cash cost of treatment when the State board of charities and correction so certify and stipulate the proportion the State shall assume to pay. This act shall not be construed so as to deprive any person to whom aid is rendered of any right that he may have at the time of his admission to said sanatorium. To pay the expenses of engaging said free beds and assisting persons in needy circumstances to treatment in said sanatoria, a sum not exceeding \$10,000 for each of the years 1920, 1921 is hereby appropriated, and the governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated. This joint resolution shall take effect September 1, 1919.

¹ Pub. Health Repts. Reprint 338, p. 352.

Indigent Crippled and Tuberculous Children—Appropriation for Medical and Surgical Treatment of. (Ch. 225, J. R. Mar. 28, 1919.)

That the sum of \$2,500 for each of the fiscal years 1919 and 1920 be appropriated for medical and surgical treatment of indigent crippled and tuberculous children, such sums to be expended under the direction of the State board of charities and correction, and the governor is hereby authorized to draw his warrant for the same.

Prostitution, Lewdness, or Assignment—Examination and Treatment for Venereal Diseases of Persons Convicted of. Venereal Diseases—Examination, Detention, and Treatment of Certain Suspected Persons. (Ch. 163, Act Mar. 28, 1919.)

SEC. 4. * * *

(c) That no suspension of sentence shall be granted or ordered in the case of a person infected with venereal disease except on such terms and conditions as shall insure medical treatment therefor and prevent the spread thereof, and the court may order any convicted defendant to be examined for venereal disease.

(d) That the State board of health through its duly appointed licensed physicians, as agents, is hereby empowered and authorized to examine, detain, quarantine, and treat any person reasonably suspected of having been exposed to, or of having exposed, or of exposing another person or persons to a venereal disease; and to make rules and regulations for such examination, detention, quarantine, and treatment; and any person refusing to comply with or obey any such lawful rule or regulation shall be guilty of a misdemeanor, and punishable by a fine of not more than \$250, or by imprisonment for not more than six months, or by both such fine and imprisonment.

* * * * *

Milk and Cream Receptacles—Cleaning—Use Except as Containers for Milk and Cream Prohibited. (Ch. 128, Act Mar. 28, 1919.)

SECTION 1. Amend section 1 of chapter 75, laws of 1907, by adding at the end of said section the following: No person shall use a milk receptacle as a container for any substance other than milk or cream; so that said section shall read as follows:

SECTION 1. No person, company or corporation shall furnish or provide any can, or other receptacle, used for the purpose of transporting milk or cream, unless said can, or other receptacle, and the cover or stopple thereto be thoroughly cleansed by the use of hot water or steam, or both hot water and steam, before said can, or other receptacle, is delivered to the person who is to fill the same. No person shall use a milk receptacle as a container for any substance other than milk or cream.

Emergency Water Supplies—Regulation by State Board of Health. (Ch. 73, Act Mar. 25, 1919.)

SECTION 1. Amend section 3 of chapter 205, laws of 1913, as amended by section 1, chapter 92,² laws of 1915, by striking out the whole of said section and substituting therefor the following:

SEC. 3. No person, corporation, or association supplying water to the public for domestic use shall have resort to, hold in reserve, or maintain a connection

² Pub. Health Repts. Reprint 338, p. 356.

through which water may be received through any auxiliary or emergency source of supply, the water of which has not been approved by the State board of health and under regular inspection thereby, unless such source shall have been duly declared to and registered by said board. Every valve, gate, or other device for controlling or preventing the inflow of water of such unapproved character to the public supply pipe system must be of such construction as to permit of efficient inspection and testing, and an actual test thereof shall be made not less than twice annually by the individual, corporation, or association furnishing water to the public. In the event that the water supply management shall find that a gate or valve is not working properly and that such can not be readily adjusted, it shall at once notify the State board of health, and, under the advice and direction of such board, shall take steps to have the faulty condition repaired or corrected by the parties interested in maintaining the device in question. All valves or gates used in the connection here described, in the case of sources maintained for public fire protection, shall also be subject to the special seal and inspection of the State board of health. Whenever it shall become necessary to break such seal or to resort to an unapproved emergency source for public fire protection, notice thereof within 24 hours shall be conveyed to the said board by telephone or telegraph and also by mail. The said board of health shall have general control and oversight of emergency intakes. It may, when feasible and deemed necessary for the protection of the public health, upon reasonable notice, require the abandonment of any existent emergency source and the adoption of other means of supply. In case said board shall require the abandonment of any such emergency source, the person, corporation, or association aggrieved thereby shall have appeal to the superior court in term time or vacation, said appeal to be taken within 30 days from the receipt of the order from said board, and said court may make such order thereon as justice may require.

Animals—Examination and Tests for Communicable Diseases—Measures by Owners to Prevent and Suppress Communicable Diseases—Appraisal and Destruction of Horses, Asses, or Mules Infected with Glanders and of Cattle Infected with Tuberculosis—Compensation of Owners. (Ch. 154, Act Mar. 28, 1919.)

SECTION 1. Amend section 18 of chapter 113 of the public statutes as amended by section 1 of chapter 125¹, laws of 1915, by striking out the entire section and substituting in place thereof a new section to read as follows:

SEC. 18. The commissioner of agriculture may make, or cause to be made, an examination of any animal or animals, owned by any person, or persons, within this State reported to him as being infected with a disease known as tuberculosis, or any other infectious or contagious disease, and if in his judgment he deems it necessary, he shall cause to be made a test. If the results of said test, or examination, show that, in the case of horses, asses, or mules that glanders is present, the commissioner shall cause the same to be immediately destroyed; in the case of cattle, if the test shows that tuberculosis is present in the herd, the commissioner may cause such cattle to be slaughtered, or to be held in quarantine pursuant to the regulations issued by said commissioner. In so far as it may be practicable, he may cooperate with the United States Bureau of Animal Industry in determining the presence of and in controlling and suppressing bovine tuberculosis.

¹ Pub. Health Repts. Reprint 338, p. 358.

He is authorized to make regulations whereby cattle reacting to the tuberculin test, and which show no physical indications of the disease, may be retained by the owner for breeding purposes, and the meat and dairy products of such animals may be used or sold under regulations made by the State board of health.

The owner, or his agent, shall, under the direction of the commissioner or the veterinary making the inspection, improve the sanitary conditions of the premises where any contagious or infectious disease may be found, and shall follow instructions designed to prevent the reinfection of such animals, or premises, and to suppress the disease and prevent the spread thereof.

All animals tested for tuberculosis with tuberculin, or other biological product, and found to be tubercular, shall be reported to the commissioner of agriculture. Failure on the part of any veterinarian making such tests to report such animals shall be subject to a fine of \$100.

The value of all animals killed by order of the commissioner, or his agent, shall be first appraised by the owner and the commissioner, or his agent. In the event of a disagreement as to the amount of appraisal, a third disinterested person shall be selected to act with them and appraise the animals. In making such appraisal the fact the animals have been condemned for disease shall not be considered, but in no case shall the appraisal for a single animal exceed the sum of \$100, except for horses in which case the maximum appraisal shall be \$150.

In case the animal condemned is registered, the owner shall furnish to the commissioner a certificate of registration before the claim is paid. The State shall pay the owner one-half of the appraised value placed upon all grade cattle and three-fourths of the appraisal placed upon all pure-bred registered cattle and horses condemned and killed.

NEW JERSEY.

Hospitals for Communicable Diseases Other Than Smallpox—Annual Appropriations in First-class Counties for the Construction, Maintenance, and Repair of. (Ch. 256, Act Apr. 17, 1919.)

1. Amend section 1 to read as follows:

1. Section 1 of the act [A further supplement to an act entitled "An act to incorporate the chosen freeholders in the respective counties of the State" (Revision), approved April 16, 1846, which supplement was approved April 11, 1889] to which this is an amendment be and the same is hereby amended to read as follows:

1. The board of chosen freeholders in any county of the first class within this State, and in which there is or may hereafter be established by law a county board of health, shall appropriate and set apart a sum not to exceed \$30,000 annually for the construction, maintenance, and repair of a public hospital for such county for the treatment of cases of a contagious nature, other than smallpox.

2. Amend section 2 to read as follows:

2. Section 2 of the act to which this is an amendment be and the same is hereby amended to read as follows:

2. It shall and may be lawful for such board of chosen freeholders to render annually to such board of health the said sum not to exceed \$30,000, to be by said board of health expended for the purposes aforesaid.

Local Boards of Health—Authorized to Make Regulations—Regulation of the Construction and Maintenance of Privies. (Ch. 185, Act Apr. 15, 1919.)

1. All local boards of health shall, in addition to the powers now vested in them, have the power to pass, alter and amend ordinances and rules within their respective jurisdictions; to regulate the construction and maintenance of privies and other places used for the reception or storage of human excrement, to prohibit the construction or maintenance of any such privy or other place for the reception or storage of human excrement until a license therefor shall first have been issued by the local board of health and to fix fees, not to exceed \$5, for the issuing of such licenses.

2. The said license fees so collected may be used and applied by said local board of health in supervising or maintaining said privies and other places, and in removing and disposing of the excrement therefrom.

3. Each license issued under the provisions of section 1 of this supplement shall continue in force for one year from the date of issue: *Provided, however,* That the local board of health may revoke any such license at any time if the owner or tenant of the property on which any such privy or other place is located maintains such privy or other place in violation of the provisions of law or of any ordinance duly adopted by the local board of health or of the State sanitary code.

Incorporated Dental Associations Maintaining and Conducting Clinics for Free Treatment of Indigent Children—First-class Cities Authorized to Make Annual Appropriations to. (Ch. 86, Act Apr. 10, 1919.)

1. Section 1 of an act of the legislature of this State, entitled "An act to authorize cities of the first class of this State to make annual appropriations to incorporated dental associations of this State conducting and maintaining dental clinics in such cities for the free treatment of indigent children," approved April 9, 1913, be amended so that the said section shall read as follows:

1. Whenever any dental association regularly incorporated under the laws of this State shall maintain and conduct in any city of the first class of this State a dental clinic or clinics where indigent children may receive treatment and relief without charge or fee therefor, it shall be lawful for the board or body having control of the finances of such city to appropriate and pay to such association, each year, such sum or sums, not exceeding in all the sum of \$20,000, as it shall deem advisable, to be used and applied by such association only for the support, maintenance, and equipment in such city of a dental clinic or clinics, for the free treatment of indigent children not over the age of 16 years, residents of such city, and for no other purpose whatsoever.

Boarding Homes for Children and the Placing of Children—Licensing, Inspection, and Regulation—Keeping of Records. (Reg. Dept. of H., Oct. 21, 1919.)

CH. 8. *Definition.*—A "boarding home for children" shall mean any home or house or other place conducted by any person or association who advertises himself or holds himself out as conducting a boarding home for children, or who has in his custody or control one or more children unattended by parents or guardians, for the purpose of providing such children with food or lodging, excepting children related to him by blood or marriage, or [who] have been legally adopted by him.

REGULATION 1. *License.*—It shall be unlawful for any person or association to conduct or maintain a boarding home for children, or to engage in, or assist in conducting a business of placing children, without having a written license therefor from a [the] department of health: *Provided*, That nothing in this code shall apply to any institution or department maintained or operated by the State of New Jersey,

REG. 2. *Terms of license.*—No license above provided for shall be granted for a term exceeding one year.

REG. 3. *Information on license and posting thereof.*—Every such license shall state the name of the licensee, the particular premises in or at which the business shall be carried on, and the number of children that may be maintained, boarded, or cared for at any one time; and said license shall be posted in a conspicuous place in the house or other place at which the business is conducted.

REG. 4. *Number of inmates permitted.*—No greater number of children shall be kept at one time on the premises than is authorized in the license, and no children shall be kept or disposed of within a building or place not designated in the license.

REG. 5. *Record and revocation of license.*—The record of such license when issued shall be kept by the department of health. Said license shall be subject to revocation for violation of any of the regulations mentioned herein, or whenever in the judgment of the department of health such boarding home is no longer needed or is not conducive to the well-being of the children.

REG. 6. Visitation and inspection.—The department of health shall visit and inspect, or designate persons to visit and inspect, the premises and investigate the manner of conducting the business licensed. Said department and such persons shall have the right to call for and examine the records required by these regulations to be kept, and to inquire into all matters concerning such licensed premises and the children therein, and it shall be the duty of the licensee to give all information to such persons and afford them every reasonable facility for examining the records, inspecting the premises, and seeing the inmates thereof.

REG. 7. Record to be kept by licensee.—Every person, firm, corporation, or association conducting a boarding home for children, or engaged in the placing of children, as defined in these regulations, shall keep a record in a form to be prescribed by the department of health, wherein shall be entered the name, age, sex, color, and religion of every child cared for or treated by him, or brought to him for placing, or finding a home for or giving out for adoption, or otherwise disposing of, together with the name and address of each of the parents of said child; the name of every child who dies while in his care together with the date of such death; also the name and residence of the person with whom the child is placed, or by whom it is adopted; this entry to be made within 24 hours after such child is given out, taken away, or disposed of in any manner. A true copy of such record shall be sent to the department of health at such times as the department of health shall require.

County Mosquito Extermination Commissions—Annual Estimates and Plans of Work to be Done and Methods to be Employed. (Ch. 123, Act Apr. 11, 1919.)

1. Section 4 of the act¹ [An act for the establishment of county mosquito extermination commissions and to define their powers and duties, approved March 21, 1912] of which this act is amendatory be and the same is hereby amended so that it shall read as follows:

4. Said commission shall, on or before the 1st day of November in each and every year, file with the director of the State experiment station a detailed estimate of the moneys required for the ensuing year, and a plan of the work to be done and the methods to be employed. The said director shall have the power to approve, modify, or alter the said estimates, plans, and methods, and the estimate, plan, and method finally approved by him shall be by him forwarded to the board of chosen freeholders in each county on or before the 1st day of December following its receipt.

2. This act shall take effect July 1, 1919.

Water-Treatment and Sewage-Treatment Plants—Examination and Licensing of Superintendents and Operators in Charge of. (Reg. Dept. of H., May 13, 1919.)

GENERAL.

1. No fee shall be charged for the application, examination, or license.

2. **Applications.**—Application for examination for license to serve as superintendent or operator in charge of a sewage-treatment or water-treatment plant shall be made in writing on blanks provided by the Department of Health of the State of New Jersey within a reasonable time previous to the date on which

¹ Pub. Health Repts. Reprint 200, p. 141.

the examination will be given. The applicant shall state on the application blank the following:

- a. The date.
- b. Character of license desired, and processes to be examined upon.
- c. Full name, residence, and post-office address.
- d. Nationality, age, date, and place of birth.
- e. Health and physical capacity for public service.
- f. Business and employment for the previous two years.
- g. Education.
- h. Experience in work of a character similar to that for which examination is to be given.
- i. Every application must be signed by three reputable persons.

8. *Examinations.*—Examinations will be given under the direction of the examining board of the Department of Health of the State of New Jersey, at such time and place as they may designate. Such examinations shall be practical in character and shall relate to those matters which will fairly test the ability of the persons examined to discharge the duties of the position for which a license is requested. The examination may be partly written and partly oral.

The department may refuse to examine or issue a license after examination to any person who has attempted to practice any deception or fraud in his application or in his examination.

All persons successfully passing the examination shall have licenses issued to them in the class and for the character of work for which his examination was given, and no person receiving a license shall fill a position calling for higher or different qualifications or greater knowledge than covered by the license granted to him. A person holding an operator's license may, upon request, take an examination for a superintendent's license.

The names of all persons successfully passing the necessary examination shall be listed in the files of the department as eligible for appointment, and recommendations for appointment to positions shall be made on the basis of the standing of each candidate as shown by the examination of rating. The names of persons holding licenses shall be published once each year in one of the publications issued by the department.

LICENSES FOR SUPERINTENDENTS AND OPERATORS OF WATER TREATMENT PLANTS.

There shall be three classes of licenses issued to persons examined as superintendents or operators of water treatment works:

A *first-class, or superintendent's, license* shall be issued only to those persons having the qualifications and knowledge necessary for the satisfactory supervision of water treatment works, including the following processes: Sedimentation, coagulation, filtration, and disinfection; and for making the standard tests, both chemical and bacteriological, necessary for testing and controlling the efficiency of all the various processes used in water treatment works; and informed in general as to the mechanical equipment and devices used in water treatment works; and familiar with the provisions of the laws of the State relating to water supplies.

A *second-class operator's license* shall be issued only to those persons having the qualifications and knowledge required in order to satisfactorily operate or control one or more of the processes required for a superintendent's license; and having knowledge sufficient for the making of the routine standard tests, both chemical and bacteriological, for testing and controlling the efficiency of

the various processes utilized in water treatment works which he expects to operate.

A *third-class operator's license* shall be issued only to those persons having the qualifications and knowledge required in order to satisfactorily operate or control one or more of the processes not covered in the first-class license and the second-class license.

LICENSES FOR SUPERINTENDENTS AND OPERATORS OF SEWAGE TREATMENT PLANTS.

There will be four classes of licenses issued to persons examined as superintendents or operators of sewage treatment plants:

A *first-class, or superintendent's, license* shall be issued only to those persons having the qualifications and knowledge necessary for the satisfactory supervision of the operation of a sewage treatment works, including the following processes: Screening, sedimentation, filtration, and disinfection; and for making the standard tests, both chemical and bacteriological, necessary for testing the efficiency of the various processes utilized in sewage treatment works; and informed in general as to the mechanical devices used in sewage treatment works.

A *second-class operator's license* shall be issued only to those persons having the qualifications and knowledge required in order to satisfactorily operate or control one or more of the processes required for a superintendent's license; and having knowledge sufficient for the making of the standard tests, both chemical and bacteriological, for testing the efficiency of the various processes utilized in the sewage treatment works which he expects to operate.

A *third-class operator's license* shall be issued only to those persons having the qualification and knowledge required in order to satisfactorily operate or control one or more of the processes required for a superintendent's license; and having knowledge sufficient for the making of simple routine standard tests, both chemical and bacteriological.

A *fourth-class operator's license* shall be issued only to those persons having the qualifications and knowledge required in order to satisfactorily operate or control a settling or sedimentation tank of one or two story construction.

Outlet or Trunk Sewers—Maintenance and Operation Jointly by Municipalities. (Ch. 175, Act Apr. 15, 1919.)

1. Section 2 of the act [A further supplement to an act entitled "An act to authorize two or more municipalities in this State to correctly construct and maintain outlet or trunk sewers, and to authorize every such municipality to construct local sewers or systems of sewers within its corporate limits, connecting with or discharging into such joint outlet or trunk sewers," approved March 15, 1890, the title of which said act of 1890 was superseded by the title herein recited by act approved April 9, 1910, which said further supplement was approved April 14, 1905], to which this is an amendment, is hereby amended to read as follows:

2. Upon the completion of any such public improvement the joint meeting of the governing bodies or board of the municipalities jointly contracting therefor, reorganized for the purpose of maintaining and operating the same, shall, before the 1st day of December in each year, make an estimate of and determine upon the probable cost and expense of maintaining and operating such public improvement for the year beginning on the 1st day of January then next, and shall cause the same to be certified by the secretary of the joint meeting to each of the municipalities contracting for said improvement on or before such 1st day of December in each year, and thereupon may from time to time, by resolution duly adopted by the joint meeting, require said

municipalities to pay to the treasurer of the joint meeting the whole or any part of their pro rata shares of such estimated amount for the year, in advance, and each municipality shall, within 30 days after receiving such requisition, pay to the treasurer of the joint meeting its pro rata share of the amount so required under such resolution; if the amount so estimated and determined shall prove insufficient for the maintenance and operation of such public improvement for the year, the joint meeting shall, notwithstanding the making of such estimate and determination, have power to require the municipalities contracting for such public improvement to pay such additional amount as may be necessary for said purpose.

Joint Municipal Outlet or Trunk Sewers—Enlargement—Construction and Maintenance of Joint Purification Plants and Other Works and Apparatus. (Ch. 174, Act Apr. 15, 1919.)

1. It shall be lawful for municipalities which have entered into joint contracts for the construction and maintenance of joint outlet or trunk sewers under the provisions of the act [An act entitled (as amended by chapter 200, session laws of 1910) "An act to authorize two or more municipalities of this State to jointly construct and maintain outlet or trunk sewers, and to authorize every such municipality to construct local sewers within its corporate limits connecting with or discharging into such joint outlet or trunk sewers," approved March 15, 1899], to which this is a supplement, by supplement or further contract, to enlarge or otherwise increase the capacity of any such joint outlet or trunk sewers, and to build and equip plants for the purification or other treatment of the sewage to be disposed of thereby, and all such other works and apparatus as shall be deemed necessary or proper by such contracting municipalities: *Provided, however,* That plans and specifications for the construction of such additions, enlargements, additional branch sewers, works, devices, and plant for the purification or other treatment of sewage shall be submitted to and approved by the department of health of the State of New Jersey before the construction of such work is begun: *And provided further,* That no works, devices, or plans for the purification or other treatment of the sewage of such municipalities shall be located or constructed in any municipality hereunder without the consent of the governing body of such municipality, and nothing herein contained shall affect any such plant the location of which has been approved by the State board of health prior to the passage of this act. Such contracts shall provide for the payment of the cost of the construction and maintenance of the said public works so contracted for, which shall be paid by each of the contracting municipalities, and the manner of the payment of the same. The execution of any such contract shall be first duly authorized by ordinance or resolution of the governing bodies or board of said municipalities charged by law with the duty of constructing sewers and drains in the same.

2. It shall be lawful for such contracting municipalities to admit any other municipality to participation in the use and the cost of the construction and maintenance of such joint outlet or trunk sewer, and to enter into contract with any such other municipality for participation in the use and in the cost of construction and maintenance of such outlet or trunk sewer, which said contract shall define and determine the terms and conditions under which such other municipalities shall be so admitted; and said contract shall be authorized on behalf of all of the municipalities parties thereto by ordinance or resolution of the governing bodies or boards charged by law with the duty of constructing sewers or drains in such municipalities.

NEW MEXICO.

State Department of Health—Creation and Powers—Employees. State Board of Health—Appointment, Qualifications, Meetings, Compensation, Powers, and Duties. State Commissioner of Health—Appointment, Qualifications, Salary, Powers, and Duties. Local Health Officers—Appointment, Qualifications, Compensation, Powers and Duties. Births, Deaths and Marriages—Reports of. Nuisances—Prevention—Reports of—Abatement. Communicable Diseases—Reports of Cases—Removal—Isolation—Prevention—Burial. Smallpox Vaccination. Public Health Regulations. (Ch. 85, Act Mar. 15, 1919.)

SECTION 1. *State department of health; creation.*—There is hereby created for the State of New Mexico a "State department of health," which shall be composed of a State board of health and a commissioner of health.

SEC. 2. *Membership; terms.*—The governor shall appoint, by and with the advice and consent of the senate, three persons as members of the State board of health, not more than one of whom shall be a licensed physician of this State. The members so appointed shall hold office for the term of six years: *Provided*, The term of office of the first three members appointed shall be so arranged that the term of the medical member of said board shall expire on January 1, 1921; the term of one lay member shall expire on January 1, 1923; and the term of one lay member on January 1, 1925. The vacancies created by expiration of the terms of office, as herein provided, as well as vacancies otherwise occurring, shall be filled by the governor with the advice and consent of the senate; and recess appointments may be confirmed at the next ensuing session of the senate.

SEC. 3. *Meetings.*—Within 60 days after this act shall take effect, the State board of health shall meet at the capital and organize by electing from its membership a chairman and a secretary, and thereafter one meeting shall be held annually and others at the call of the governor, the commissioner of health or a majority of the board.

SEC. 4. *Hearings; annual reports; rules and regulations.*—The State board of health is authorized and required to hold hearings in appeal, advise with the commissioner of health, and make annual reports to the governor and the members of the legislature of the condition of the public health, the activities of the department and needed public health legislation. In addition to the above authority the State board of health is empowered to make, promulgate and enforce such rules and regulations as are necessary to the enforcement of the laws of this State relating to quarantine, sanitation and the public health.

SEC. 5. *Expenses.*—The members of the State board of health shall receive no salary, but shall be allowed their actual and necessary traveling expenses while absent from their homes in attendance upon meetings of the board.

SEC. 6. *Commissioner of health; duties; qualifications.*—The State board of health shall appoint a State commissioner of health who shall continue in office at the pleasure of the board, at a salary not to exceed \$3,000 per annum, and said commissioner of health shall be a person having experience and special training in sanitary science and public health administration. The commissioner of health shall be the administrative head of the State department of health,

custodian of its property and records, shall maintain his office at the seat of the State government, devote his entire time to his official duties, and shall exercise also the powers of the State board of health in the interim of its meetings, but subordinate thereto.

SEC. 7. Bond.—Before entering upon the duties of his office the commissioner of health shall take the oath prescribed by law for State officials and shall file with the secretary of state a surety company bond in the penal sum of \$10,000, the premium upon which shall be paid as other expenses of the department of health are paid, which bond shall be approved by the attorney general, and be conditioned for the faithful discharge of his duties and delivery to his successor of all public property then in his possession or control.

SEC. 8. Employees.—The State commissioner of health, with the approval of the State board of health, may employ such assistants as may be necessary to carry out the provisions of this act, who shall be subject to his orders: *Provided*, That the aggregate of all salaries paid to such employees shall not exceed the sum of \$10,000 in any one year.

SEC. 9. Payment of expenses.—All salaries, per diems, and contingent expenses incurred by the department of health shall be paid upon warrants of the State auditor, supported by vouchers of the commissioner of health.

SEC. 10. Powers.—The State department of health shall have supervision of the health of the citizens of the State and possess all powers necessary to fulfill the duties prescribed by law with respect thereto, and to bring actions in courts for the enforcement of health laws and the rules, regulations and orders promulgated thereunder by the State board of health. It shall be the superior health authority of the State and have power to investigate, control and abate the causes of disease, especially epidemics, sources of mortality and the effects of localities, employments and other conditions upon the public health; to inspect public buildings, institutions and premises and industries; to establish, maintain and enforce quarantine; to close theaters, schools, and other public places, and to forbid gatherings when necessary for the protection of the public health; to abate nuisances; to regulate and prescribe the location of plumbing, drainage, water supply, sewage and waste disposal, lighting, heating, ventilation, and sanitation of public buildings; to collect, compile, and tabulate reports of marriages, births, deaths, and morbidity and to require any person having information with regard to the same to make such reports and submit such information as it shall by regulation provide; to cooperate with Federal health authorities in the carrying out of measures for the protection of the public health and to incur expenditures in that behalf; to regulate the disposal, transportation, interment and disinterment of the dead; to make laboratory investigations of public health matters and maintain facilities for that purpose; to disseminate public health information; to prevent infant mortality; to prescribe prophylactic treatment in cases of infection for the prevention of infant blindness; promote child hygiene; to regulate the sanitation and safety for consumption of milk, meats, and other foods; to supervise the work of local health authorities, to promulgate rules and regulations governing the same, and to perform the said work in case said authorities fail, neglect or refuse to do so, at the expense of the county or municipality affected.

SEC. 11. Publication.—Rules, regulations and orders of the State board of health shall be published in the following manner:

(1) Those having general application throughout the State shall be published once in some newspaper published in, and having general circulation throughout, the State.

(2) Those of general or special character having local application only shall be published once in some newspaper published in and having general circulation in the locality wherein such rules, regulations, and orders are applicable: *Provided, however,* That if no such newspaper is so published and circulated a copy of such rules, regulations, and orders shall be posted in three conspicuous places in the locality in which the same are applicable.

(3) Those applicable to particular cases only shall be posted once in a conspicuous place upon or near the premises affected or served personally or by registered mail upon the person, firm, or corporation affected: *Provided,* That nothing in this act shall be held to prohibit the State department of health from making such other publications concerning matters relating to the health of citizens of this State as may be deemed necessary.

SEC. 12. *County health officers.*—Each board of county commissioners shall appoint one county health officer, whose appointment shall be subject to approval by the State board of health and who shall receive compensation from the general county funds as may be fixed by the county commissioners. The county health officer shall hold office at the pleasure of the board of county commissioners and shall possess the same powers with respect to preservation of the public health and administration of the health laws as those conferred upon the State department of health, except that said powers shall be exercised within his jurisdiction only and in subordination to and with the approval of the State department of health. He shall be charged with the execution in his jurisdiction of the health laws and all rules and regulations promulgated by the State board of health, be under its supervision and control, and make reports to the said State board of health as it may direct.

SEC. 13. *Municipal health officers.*—The governing authorities of each incorporated city, town, and village whether incorporated under general or special laws shall appoint one municipal health officer whose appointment shall be subject to approval by the State board of health and who shall receive compensation from the general municipal funds as may be fixed by said authorities: *Provided,* Said cities, towns, and villages may join with each other or with their respective counties in the appointment and compensation of a health officer. The municipal health officer shall hold office at the pleasure of the appointing power, possess the same powers conferred upon the State department of health except said powers shall be exercised within his jurisdiction only and be in subordination to and with the approval of the State board of health. He shall be charged with the execution in his jurisdiction of the health laws and all rules and regulations promulgated by the State board of health, be under its supervision and control, and make reports to the State department of health as it may direct.

SEC. 14. *Qualifications of the medical member of the State board of health and of health officers.*—No physician shall be appointed as a member of the State board of health or be appointed or employed as a county or municipal health officer unless he first file, if a member of the State board of health, with the secretary of state, and if a county or municipal health officer, with the State board of health, a certificate or certificates, diploma or diplomas, showing that such physician has the degree of doctor of medicine from a medical college which required a four-year course in medicine and surgery; or from a medical college, which at the time of his graduation required a three-year course in medicine and surgery, which course has been supplemented by at least two post-graduate courses in medicine and surgery, and that he shall have had at least two years' experience in some hospital or hospitals of recognized efficiency; or who shall have been engaged in the active practice of his profession in this State for at least five years prior to the passage of this act:

Provided, That there be available in the jurisdiction for which the appointment or employment is made a person able to meet these requirements. Any physician described in this section who shall unlawfully accept such appointment or employment, or any pay for service rendered thereunder, shall be deemed guilty of a misdemeanor and upon conviction thereof be punished by a fine of not less than \$100 nor more than \$500, or by imprisonment in the county jail for not less than 10 days nor more than 6 months, at the discretion of the court.

SEC. 15. *Publication*.—The rules, regulations, and orders of county and municipal health officers shall be published in the following manner:

(1) Those of special or general character having application within the jurisdiction of said officers shall be published in two consecutive issues of a newspaper or newspapers published in and having general circulation in such jurisdiction: *Provided*, That if no newspaper be published and circulated therein, a copy of said rules, regulations, and orders if made by county health officer shall be posted for three days at the front door of the courthouse thereof, and if made by a municipal health officer shall be posted for three days in three conspicuous places within the jurisdiction.

(2) Those applicable to particular cases only shall be posted for 24 hours in a conspicuous place upon or near the premises affected or served personally or by registered mail upon the person, firm, or corporation affected.

SEC. 16. *Effect of regulations*.—All rules, regulations, and orders for the enforcement of the health laws of this State, when made by the State board of health or by the county or municipal health officers, shall take effect and be in force after publication, posting, or personal service thereof as in this chapter prescribed, and when so published, posted, or served shall constitute legal notice.

SEC. 17. *Reporting vital statistics*.—It shall be the duty of every priest, clergyman, and magistrate who solemnizes a marriage to report such marriage as now required by law and also to report, under such rules and regulations as the State board of health may prescribe, to the said board such marriage within 30 days after the date of performing same. It shall be the duty of every physician, nurse, or midwife, or of the parents, if not attended by a physician, nurse, or midwife, to report as now required by law, and also to report to the State board of health, under such rules and regulations as said board may prescribe, all births at which they are in attendance at confinement, theretofore and thereafter, and of every physician, nurse, or other person in attendance to report in like manner all deaths and conditions of morbidity in their professional care. Such reports shall be made within 10 days after the condition to be reported shall have arisen. Every county clerk shall make, not later than the 10th day of each month for the month last past, a report to the State board of health, under such rules and regulations as said board may prescribe, of all births, deaths, and marriages reported to such county clerk. Any person who shall fail to make report as herein required shall, upon conviction, be fined not less than \$5 nor more than \$100, in the discretion of the court.

SEC. 18. *Violation of laws and regulations*.—Any person, firm, or corporation violating any State health law or order, rule, or regulation of the State board of health, or the county or municipal health officers, to enforce any State health law, where the punishment is not specifically prescribed by law, shall be punished by a fine of not less than \$5 nor more than \$100 or imprisonment in the county jail for not less than 5 nor more than 90 days, or by both such fine and imprisonment, in the discretion of the court.

SEC. 19. *Appeals*.—Any person, firm, or corporation aggrieved by any order, rule, or regulation of any health authorities, other than the State board of

health, may appeal to the State board of health under such regulations as it may prescribe, and the board or the commissioner of health in the interim of meetings of the board shall determine such grievance as soon as practicable and notify all parties of the decision: *Provided*, That nothing in this act shall be held to prohibit the right of any citizen to appeal to the courts from any order, rule, or regulation of the health authorities.

SEC. 20. *Individual rights*.—Nothing in this act shall be construed to empower the State department of health or its representatives to interfere in any manner with the individual's right to select the physician or mode of treatment of his choice: *Provided*, That the sanitary laws, rules, and regulations are complied with.

SEC. 21. *Nuisance; abatement; penalty*.—Whenever any nuisance, source of filth, or cause of sickness shall be found on private property the constituted health authorities shall order the owner or occupant; or the person or persons that have caused or committed such nuisance, at his own expense, to remove the same within 24 hours, and in default thereof he, she, or they shall forfeit the sum of not less than \$25 nor more than \$100. Each 24 hours' failure to obey such order, after the first, shall constitute a separate offense.

SEC. 22. *Cost of abating nuisance*.—If the owner or occupant shall not comply with such order of said health authorities, said health authorities may cause the said nuisance, source of filth, or cause of sickness to be removed, and the expense incurred thereby shall be paid by said owner or by such other person as shall have caused or committed the same. The remedy provided by this section and that provided by the next preceding section shall be deemed cumulative.

SEC. 23. *Right of entry; refusal; complaint*.—Whenever the constituted health authorities shall think it necessary for the preservation of the lives or the health of any of the inhabitants of the State to enter any building, car, or train of cars for the purpose of examining, abating, destroying, removing, or preventing any nuisance, source of filth, or cause of sickness and shall be refused such entry, any constituted health authority may make complaint before any justice of the peace or judge of the district court, stating the facts of the case so far as he has knowledge of them. Upon such complaint such justice of the peace or judge shall thereupon issue a warrant directed to the sheriff or any constable of the county in which such entry is refused, commanding him to take sufficient aid and between the hours of sunrise and sunset to repair to the place where such nuisance, source of filth, or cause of sickness complained of may be; and if deemed necessary by the constituted health authority, destroy, remove, or prevent the same. Some constituted health authority shall always attend and direct the sheriff or constable in the service of such warrant.

SEC. 24. *Failure to give notice of disease*.—Whenever any physician or other person shall know that any person is sick with smallpox or other contagious or infectious disease, or of any nuisance dangerous to the public health, he shall at once give notice thereof, if within the limits of any incorporated city, town, or village, to the health officer of such city, town, or village; otherwise to the county health officer or the justice of the peace in the precinct in which such disease or nuisance exists. Whenever such notice is given to any justice of the peace it shall be his duty to at once notify the health officer of the county. Any physician, justice of the peace, or other person failing, neglecting, or refusing to perform any duty imposed upon him by this section shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$25 and not to exceed \$100.

SEC. 25. *Notice by householder*.—Whenever any householder shall know that any person in his family is sick with smallpox or other communicable disease

dangerous to the public health he shall immediately give the notice thereof required by the last preceding section and upon failure to give such notice shall be deemed guilty of a misdemeanor and punished upon conviction as in said section provided.

SEC. 26. *Isolation of communicable disease.*—Any justice of the peace or judge of the district court, having jurisdiction in the county in which any person infected with a contagious or infectious disease may be found, may upon proper complaint being made by any health authority, stating the facts under oath, so far as he has knowledge of them, and that he believes the facts stated, if upon information and belief, are true, may issue a warrant under his hand directed to the sheriff or any constable of his county, requiring such sheriff or constable, under direction of such health authority, to remove and isolate any person infected with contagious or infectious disease, and to take possession of convenient houses or lodging and to produce other necessities for the accommodation and relief of such person and the safety of the public health.

SEC. 27. *Vaccination.*—The State department of health shall make suitable provisions for the inoculation of the inhabitants of the State with cowpox vaccine, under direction of county and municipal health officers.

SEC. 28. *Vaccination of children.*—It shall be the duty of the school superintendent of each county to see that all children in his county of school age are vaccinated against smallpox, and to that end each teacher of a public school shall see that the children under his control have been successfully vaccinated, and it shall be unlawful for any child to attend school or for any teacher to allow such child within any school house unless so vaccinated or showing proper certificate that it has been so vaccinated. Such teacher shall make report of the number of children whom he has caused to be vaccinated and those who have presented proper certificates that they have been vaccinated, to the county school superintendent at the beginning of the school year, and as often thereafter as he may deem necessary, together with the report of the names of any parents who refuse to allow their children to be vaccinated, and any person who shall refuse or neglect to have his or her children vaccinated according to the law shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$10 nor more than \$100, or imprisoned in the county jail not exceeding 100 days.

SEC. 29. *Vaccination of school children.*—The vaccination provided for in the next preceding section may be done by any reputable physician or under his direction, and shall be paid for by the parents of such children when they are able to do so, but in case of their inability to pay for the same by reason of poverty, then such vaccination shall be done by the county or municipal health officer or under his direction and shall be paid for by the county or municipal board of education: *Provided*, That inoculation for the prevention of smallpox by the internal use of variolinum taken under the direction and care of a licensed physician may take the place of vaccination with cowpox where inoculation by vaccination is required by this act.

SEC. 30. *Exemption from vaccination.*—Any minor child, through its parent or guardian, may file with the health authority charged with the duty of enforcing the vaccination laws, the certificate of a duly licensed and practicing physician stating that the physical condition of such child is, at the time, such that vaccination would seriously endanger the life or health of such child, and thereupon such child shall be exempt from the provision of sections 28 and 29 of this act, but shall not be exempt from the quarantine laws, rules, and regulations.

SEC. 31. *Costs; how paid.*—The costs of carrying out the provisions of sections 12, 13, 15, 21, 22, 23, 24, 25, and 26 of this act, except as otherwise provided for therein, when the same are incurred in any incorporated city, town, or village, shall be paid by such city, town, or village, and it shall be the duty of the proper municipal authorities thereof to make proper provisions therefor. All costs of enforcing the provisions of the said sections incurred outside of any incorporated city, town, or village, shall be paid by the board of county commissioners of the county in which the same are incurred, as a part of the current expenses of such county, and it shall be the duty of the board of county commissioners to make proper provisions therefor.

SEC. 32. *Dead bodies; contagious disease; carrying through the streets.*—It shall be unlawful for anyone to carry through the streets and roads of cities, towns, villages, and settlements of this State, or into any church in this State, the corpse of any human being who died of a contagious or infectious disease, with the coffin of said corpse open and the body exposed.

SEC. 33. Whenever epidemic disease, dangerous to public health, is threatened or exists, and the State department of health is without funds, or without sufficient funds, to meet the expenses incident to prevent or abate the same, the State board of health shall pass a resolution setting out in detail the emergency existing, the amount of funds on hand and the proposed steps to be taken to prevent the further spread of such epidemic and the abatement of same, together with the amount of funds necessary, in the judgment of the State board of health, to meet such emergency, and forthwith transmit the same to the governor, who, if he approve the same, shall return it to the State board of health with his approval indorsed thereon over his signature, and thereupon the State board of health may borrow such funds, in an amount not to exceed \$25,000, as may be necessary to meet such emergency, upon the credit of the State: *Provided*, That interest to be paid upon any such funds so borrowed shall not exceed 6 per cent. If the governor disapprove the resolution, he shall so notify the said State board of health.

SEC. 34. This act shall be construed as supplemental to the provisions not herein specifically repealed of Chapter XCII of the New Mexico Statutes, codification of 1915, and all powers and duties created and granted to the New Mexico Board of Health and Medical Examiners and to health officers by said Chapter XCII are hereby transferred to and vested in the State board of health; and sections 4594 to 4603, inclusive, and sections 4616 to 4627, inclusive, of said statutes are hereby repealed.

Births and Deaths—Registration. (Reg. Dept. of H., Aug. 20, 1919.)

SECTION 1. It shall be the duty of the health officer of every village, town, city, and county within the State to act as the local registrar of vital statistics for the territory within which he has jurisdiction. Each health officer may, however, appoint some person to act in his stead as registrar in case of absence or disability. And when it may appear necessary for the convenience of the people in any rural district, the county health officer, may, with the approval of the State commissioner of health, appoint one or more suitable persons who shall be authorized to receive certificates and to issue burial or removal permits in and for such portions of the county as may be designated: *Provided*, That each person so appointed shall be subject to the supervision of the State commissioner of health and may be removed by him for failure or neglect to perform his duties in accordance with these regulations; and each person so appointed shall note, on each certificate, over his signature, the date

of filing, and shall forward all certificates to the county health officer within 10 days, and in all cases before the 3d day of the following month.

SEC. 2. The death of every person who dies or whose body is found dead within this State shall be certified to the local health officer, or other person appointed in accordance with these regulations, as hereinafter provided, upon a form approved by the State commissioner of health with a view to procuring a full and accurate report with respect to each item of information enumerated in section 3.

SEC. 3. The certificate of death shall contain the following items, which are hereby declared necessary for the purposes subserved by registration records:

(1) Place of death, including State, county, township, village, town, or city. If in a city, the ward, street, and house number; if in a hospital or other institution, the name of the same to be given instead of the street and house number. If in an industrial camp, the name of the camp to be given.

(2) Full name of decedent. If an unnamed child, the surname preceded by "unnamed."

(3) Sex.

(4) Color or race—as white, black, mulatto (or other negro descent), Indian, Chinese, Japanese, or other.

(5) Conjugal condition—as single, married, widowed, or divorced.

(6) Date of birth, including the year, month, and day.

(7) Age, in years, months, and days. If less than one day, the hours or minutes.

(8) Occupation. The occupation to be reported of any person, male or female, who had any remunerative employment, with the statement of (a) trade, profession, or particular kind of work; (b) general nature of industry, business or establishment in which employed (or employer).

(9) Birthplace; at least State or foreign country, if known.

(10) Name of father.

(11) Birthplace of father; at least State or foreign country, if known.

(12) Maiden name of mother.

(13) Birthplace of mother; at least State or foreign country if known.

(14) Signature and address of informant.

(15) Official signature of registrar, with the date when certificate was filed, and registered number.

(16) Date of death—year, month and day.

(17) Certification as to medical attendance on decedent, fact and time of death, time last seen alive, and the cause of death, with contributory (secondary) cause or complication if any, and duration of each, and whether attributed to dangerous or insanitary conditions of employment; signature and address of physician or official making the medical certificate.

(18) Length of residence (for inmates of hospitals and other institutions; transients or recent residents) at place of death and in the State, together with the place where disease was contracted, if not at place of death, and former or usual place of residence.

(19) Place of burial or removal; date of burial.

(20) Signature and address of undertaker or person acting as such.

The personal and statistical particulars (items 1 to 13) shall be authenticated by the signature of the informant, who may be any competent person acquainted with the facts.

The statement of facts relating to the disposition of the body shall be signed by the undertaker or person acting as such.

The medical certificate shall be made and signed by the physician, if any, last in attendance on the deceased, who shall specify the time in attendance,

the time he last saw the deceased alive, and the hour of the day at which death occurred. And he shall further state the cause of death, so as to show the course of disease or sequence of causes resulting in the death, giving first the name of the disease causing death (primary cause), and the contributory (authority) cause, if any, and the duration of each. Indefinite and unsatisfactory terms, denoting only symptoms of disease or conditions resulting from disease, will not be held sufficient for the issuance of a burial or removal permit, as required by the regulations of the State board of health governing the disposal, interment, disinterment, and transportation of the dead; and any certificate containing only such terms, as defined by the State commissioner of health, shall be returned to the physician or person making the medical certificate for correction and more definite statement. Causes of death which may be the result of either disease or violence shall be carefully defined; and if from violence the means of injury shall be stated, and whether (probable) accidental, suicidal, or homicidal. And for deaths in hospitals, institutions, or of nonresidents, the physician shall supply the information required under this head (item 18), if he is able to do so, and shall state where, in his opinion, the disease was contracted.

SEC. 4. The undertaker, or person acting as such, shall file the certificate of death with the health officer, or other person appointed as herein provided, in the village, city, town, county, or district where the death occurred, prior to the issuing of a burial or removal permit for the disposition of the body. He shall obtain the required personal and statistical particulars from the person best qualified to supply them, over the signature and address of his informant. He shall then present the certificate to the attending physician, if any, or to the health officer, or coroner, or person acting as such, as hereinafter provided, for the medical certificate of the cause of death and other particulars necessary to complete the record, as specified in section 3. And he shall then state the facts required relative to the date and place of burial or removal, over his signature and with his address, and present the completed certificate to the local health officer, or other person as provided herein.

SEC. 5. In the case of any death occurring without medical attendance, it shall be the duty of the undertaker to notify the health officer, or other person appointed as provided herein, of such death, and when so notified, if the person notified be other than the health officer, such person shall inform the health officer and refer the case to him for investigation and certification: *Provided*, That when the health officer is not a physician, or when there is no such official, and in such cases only, the medical certificate may be made from the statement of relatives or other persons having adequate knowledge of the facts: *Provided further*, That if the health officer, or other person as herein provided, shall have reason to believe that the death may have been due to unlawful act or neglect, he shall then refer the case to the coroner or other proper officer for his investigation and certification. And the coroner or other officer whose duty it is to hold an inquest on the body of any deceased person shall accomplish the medical certificate, stating the name of the disease causing death, or if from external causes, (1) the means of death; and (2) whether (probably) accidental, suicidal, or homicidal; and shall, in any case, furnish such information as may be required by the State commissioner of health in order properly to classify the death.

SEC. 6. A stillborn child shall be certified as a birth and also as a death, and separate certificates of both the birth and death shall be filed with the health officer, or other person as herein provided, in the usual form and manner, the certificate of birth to contain in place of the name of the child, the word "still-birth": *Provided*, That a certificate of birth and a certificate of death shall not

be required for a child that has not advanced to the fifth month of uterogestation. The medical certificate of the cause of death shall be signed by the attending physician, if any, and shall state the cause of death as "stillborn," with the cause of the stillbirth, if known, whether a premature birth, and, if born prematurely, the period of uterogestation, in months, if known. Midwives shall not sign certificates of death for stillborn children; but such cases, and stillbirths occurring without attendance of either physician or midwife, shall be treated as deaths without medical attendance, as provided in section 5.

SEC. 7. The birth of every child born in this State shall be certified to the local health officer, or other person appointed as provided in these regulations, as hereinafter provided, upon a form approved by the State commissioner of health with a view to procuring a full and accurate report with respect to each item of information enumerated in section 8.

SEC. 8. The certificate of birth shall contain the following items, which are hereby declared necessary for the purposes subserved by registration records:

(1) Place of birth, including State, county, township or town, village or city. If in a city, the ward, street, and house number; if in a hospital or other institution, the name of the same to be given, instead of the street and house number.

(2) Full name of child. If child dies without a name, before the certificate is filed, enter the words "Died unnamed." If the living child has not yet been named at the date of filing certificate of birth, the space for "full name of child" is to be left blank, to be filled out subsequently by a supplemental report, as hereinafter provided.

(3) Sex of child.

(4) Whether a twin, triplet, or other plural birth. A separate certificate shall be required for each child in case of plural births.

(5) For plural births, number of each child in order of birth.

(6) Whether legitimate or illegitimate.

(7) Date of birth, including the year, month, and day.

(8) Full name of father.

(9) Residence of father.

(10) Color or race of father.

(11) Age of father at last birthday, in years.

(12) Birthplace of father; at least State or foreign country, if known.

(13) Occupation of father. The occupation to be reported if engaged in any remunerative employment, with the statement of (a) trade, profession, or particular kind of work; (b) general nature of industry, business or establishment in which employed (or employer).

(14) Maiden name of mother.

(15) Residence of mother.

(16) Color or race of mother.

(17) Age of mother at last birthday, in years.

(18) Birthplace of mother; at least State or foreign country, if known.

(19) Occupation of mother. The occupation to be reported if engaged in any remunerative employment, with the statement of (a) trade, profession, or particular kind of work; (b) general nature of industry, business or establishment in which employed (or employer).

(20) Number of children born to this mother, including present birth.

(21) Number of children of this mother living.

(22) The certification of the attending physician or midwife as to the attendance at birth, including statement of year, month, day (as given in item 7), and hour of birth, and whether the child was born alive or stillborn. This certification shall be signed by the attending physician or midwife, with date

of signature and address; if there is no physician or midwife in attendance, then by the father or mother of the child, householder, owner of the premises, or manager or superintendent of public or private institution where the birth occurred, or other competent person, whose duty it shall be to notify the health officer, or other person as herein provided, as required by section 7.

(23) Exact date of filing in office of health officer, or other person as herein provided, attested by his official signature, and registered number of birth, as hereinafter provided.

SEC. 9. Within 10 days after the date of each birth, there shall be filed with the health officer, or other person as herein provided, for the village, town, city, county, or district in which the birth occurred, a certificate of such birth.

In each case where a physician, midwife or person acting as a midwife, was in attendance upon the birth, it shall be the duty of such physician, midwife, or person acting as midwife, to file in accordance herewith the certificate herein contemplated.

In each case where there was no physician, midwife, or person acting as midwife, in attendance upon the birth, it shall be the duty of the father or mother of the child, the householder or owner of the premises where the birth occurred, or the manager or superintendent of the public or private institution where the birth occurred, each in the order named, within 10 days after the date of such birth, to report to the health officer, or other person as herein provided, the fact of such birth. In such case and in case the physician, midwife, or person acting as midwife, in attendance upon the birth, is unable by diligent inquiry to obtain any item or items of information contemplated in section 8 of these regulations, it shall then be the duty of the health officer, or other person as herein provided, to secure from the person so reporting, or any other person having the required knowledge, such information as will enable him to prepare the certificate of birth herein contemplated, and it shall be the duty of the person reporting the birth or who may be interrogated in relation thereto to answer correctly and to the best of his knowledge all questions put to him by the health officer, or other person as herein provided, which may be calculated to elicit any information needed to make a complete record of the birth as contemplated by said section 8, and it shall be the duty of the informant as to any statement made in accordance herewith to verify such statement by his signature when required to do so by the health officer, or person as provided herein.

SEC. 10. When any certificate of birth of a living child is presented without the statement of the given name, then the health officer, or other person as herein provided, shall make out and deliver to the parents of the child a special blank for the supplemental report of the given name of the child which shall be filled out as directed and returned to the health officer, or other person as herein provided, as soon as the child shall have been named.

SEC. 11. The State commissioner of health shall prepare, print, and supply to all health officers all blanks and forms used in registering, recording, and preserving the returns, or otherwise in carrying out the provisions of these regulations; and shall prepare and issue such detailed instructions as may be required to procure the uniform observance of said provisions and the maintenance of a perfect system of registration; and no other blanks shall be used than those supplied by the State commissioner of health. He shall carefully examine the certificates received monthly from the health officers, and if any of such are incomplete and unsatisfactory he shall require such further information to be supplied as may be necessary to make the record complete and satisfactory. And all physicians, midwives, informants or undertakers, and all other persons having knowledge of the facts, are hereby required to

supply upon a form provided by the State commissioner of health, or upon the original certificate, such information as they may possess regarding any birth or death, upon demand of the State commissioner of health, in person, by mail, or through the local health officer: *Provided*, That no certificate of birth or death, after its acceptance for registration by the local health officer, or other person as herein provided, and no other record made in pursuance of these regulations, shall be altered or changed in any respect otherwise than by an amendment properly dated, signed and witnessed. The State commissioner of health shall further arrange, bind, and permanently preserve the certificates in a systematic manner, and shall prepare and maintain a comprehensive and continuous card index of all birth and death registrations; said index to be arranged alphabetically in the case of deaths by the names of the decedents, and in the case of births by names of fathers and mothers.

SEC. 12. Each local health officer shall supply blank forms of certificates to such persons as require them. Each local health officer, or other person as herein provided, shall carefully examine each certificate of birth or death when presented for record in order to ascertain whether or not it has been made out in accordance with the provisions of these regulations and the instructions of the State commissioner of health; and if any certificate of death is incomplete or unsatisfactory, it shall be his duty to call attention to the defects in the return and to withhold the burial or removal permit until such defects are corrected. All certificates, either of birth or of death, shall be written legibly in durable black ink, and no certificate shall be held to be complete and correct that does not supply all of the items of information called for therein, or satisfactorily account for their omission. If a certificate of birth is incomplete, the local health officer, or other person as provided herein, shall immediately notify the informant, and require him to supply the missing items or information if they can be obtained. The health officer shall number consecutively the certificates of birth and death, in two separate series, beginning with No. 1 for the first birth and the first death in each calendar year, and sign his name as registrar in attest of the date of filing in his office. He shall also make a complete and accurate copy of each birth and each death certificate registered by him, on the regular form approved by the State commissioner of health. And he shall, on the 10th day of each month, transmit to the State commissioner of health all original certificates registered by him for the preceding month. And if no births or deaths occurred in any month, he shall on the 10th day of the following month report that fact to the State commissioner of health, on a card provided for such purpose.

Dead Bodies—Interment, Disinterment, and Transportation. (Reg. Dept. of H., Aug. 20, 1919.)

SECTION. 1. The body of any person whose death occurs in this State, or who shall be found dead therein, shall not be interred, deposited in any vault or tomb, cremated or otherwise disposed of, or removed from or into any village, town, city, or county in New Mexico, or be temporarily held pending further disposition more than 72 hours after death, unless a permit for burial, removal or other disposition thereof shall have been properly issued by the health officer in the village, town, city, or county in which the death occurred or the body was found: *Provided*, That when it may appear necessary for the convenience of the people in any rural district the county health officer may, with the approval of the State commissioner of health, appoint one or more suitable persons who shall be authorized to issue burial or removal permits and receive certificates of death in and for such portions of the county as may be designated,

and each person so appointed shall be subject to the supervision of the State commissioner of health and may be removed by him for failure or neglect to perform his duties in accordance with these regulations.

SEC. 2. No burial or removal permit shall be issued by any health officer, or other person appointed as provided in the preceding section, except where the body is disinterred, until a complete and satisfactory certificate of death, as required by the regulations of the State board of health, has been filed with him: *Provided*, That when a dead body is transported into a village, town, city, or county in New Mexico for burial the transit and removal permit issued in accordance with the laws and regulations where the death occurred shall be accepted by the health officer or other person appointed in accordance with the preceding paragraph, in the village, town, city, county or district into which the body has been transported for burial or other disposition, as a basis upon which he may issue a local permit. He shall note upon the face of the burial permit the fact that it was a body shipped in for interment and give the place of actual death.

SEC. 3. When the cause of death shall be certified as "stillborn," a burial or removal permit of the prescribed form shall be required: *Provided*, That no burial or removal permit shall be required for a child that has not reached the fifth month of uterogestation.

SEC. 4. If the interment or other disposition of the body is to be made within the State, the wording of the burial or removal permit may be limited to a statement by the health officer, or other person appointed as heretofore provided, over his signature, that, a satisfactory certificate of death having been filed with him as required by the regulations of the State board of health, permission is granted to inter, remove, or dispose otherwise of the body, stating the name, age, sex, cause of death, and other necessary details upon a form approved by the State commissioner of health.

SEC. 5. No person in charge of any premises in which interments are made shall inter or permit the interment or other disposition of any body on such premises, unless it is accompanied by a burial permit, as herein provided. And such person shall indorse upon the permit the place and date of interment or other disposition, over his signature, and shall return all permits so indorsed to the health officer of his village, town, city or county, within 10 days from the date of interment. He shall also keep a record of all bodies interred or otherwise disposed of on the premises under his charge, in each case stating the name of each deceased person, place of death, date of burial or disposal, and the name and address of the undertaker; which record shall at all times be open to official inspection: *Provided*, That the undertaker, or person acting as such, when burying a body in a cemetery or burial ground having no person in charge, shall sign the burial permit, giving the place and date of burial or other disposition, and shall write across the face of the permit the words "No person in charge," and file such permit within 10 days with the health officer of the village, town, city, or county in which the cemetery is located.

SEC. 6. The undertaker, or person acting as undertaker, shall file a certificate of death, as required by the regulations of the State board of health, with the health officer, or other person appointed as heretofore provided, in the village, town, city, county, or district in which the death occurred, and obtain a burial or removal permit, prior to any disposition of the body. The undertaker, or person acting as such, shall deliver the burial permit to the person in charge of the place of burial before interring or otherwise disposing of the body; or, when the body is shipped by any transportation company, he shall deliver said permit to the agent of such company, who shall deliver it to the

passenger in charge of the body; or if the shipment is made by express, attach the permit to the waybill, which permit shall be delivered to the person taking charge of the body at its destination.

SEC. 7. No person shall disinter, nor shall any person in charge of any premises permit the disinterment of, any dead body without special permission from the health officer and a burial or removal permit as herein required. And the health officer or other person issuing such burial or removal permit shall write across the face thereof the word "disinterred," with the date and place of disinterment.

SEC. 8. Every person, firm, or corporation selling a casket shall keep a record showing the name of the purchaser, purchaser's post office address, name of the deceased, and date and place of death, which record shall at all times be open to official inspection by the State commissioner of health or his agents. On the first day of each month the person, firm, or corporation selling caskets shall report to the State commissioner of health each sale for the preceding month, on a form approved by said commissioner: *Provided, however,* That no person, firm, or corporation selling caskets to dealers or undertakers only shall be required to keep such record; nor shall such report be required from undertakers when they have direct charge of the disposition of the dead body, and a certificate of death has been filed in accordance with the provisions of these regulations.

Every person, firm, or corporation selling a casket at retail, and not having charge of the disposition of the body, shall inclose within the casket a notice furnished by the State commissioner of health calling attention to the requirements of these regulations and a blank certificate of death.

SEC. 9. No transportation company shall accept for shipment within the State of New Mexico any human body dead of smallpox, plague, Asiatic cholera, typhus fever, diphtheria, scarlet fever, glanders, anthrax, or leprosy, except under the following conditions: The body shall be thoroughly prepared by arterial and cavity injection with an approved disinfecting fluid; all orifices shall be disinfected and closed with absorbent cotton; the body shall be washed with the disinfecting fluid, enveloped in a layer of dry cotton not less than 1 inch thick, completely wrapped in a sheet securely fastened, and incased in a metallic casket, or in a casket the outside of which is of metal or metal lined, hermetically and permanently sealed; and all incased in a strong, tight wooden case.

SEC. 10. Bodies dead from any cause not stated in section 9 may be received by a transportation company for shipment within the State of New Mexico only when prepared by being embalmed and disinfected in accordance with the requirements of section 9 and inclosed in a coffin or casket incased in a strong, tight wooden or metal case.

SEC. 11. No transportation company shall accept for shipment from a point within the State of New Mexico any dead human body unless said body has been embalmed by an embalmer holding a valid license by authority of the New Mexico State Board of Embalmers.

SEC. 12. No transportation company shall accept for shipment from a point within the State of New Mexico any dead human body without documentary authority required by the State board of health, which shall include a transit permit and a paster approved by the State commissioner of health.

The transit permit shall contain a physician's or coroner's certificate of death, giving the name and age of the deceased, and cause, date and place of death, and a removal permit, as herein required.

The paster shall contain an embalmer's certificate, which shall give the name of the deceased, cause of death, manner of preparation of the body,

destination, and name and address of the consignee, together with the transit form to be filled out by the agent of the transportation company. Attached to the paster there shall be a second embalmer's certificate giving the name and age of the deceased, the cause, place and date of death, the place from which the body was shipped, the destination, and the name of the transportation company, certifying that the body was embalmed by the person signing the certificate.

Every embalmer who prepares a body for shipment shall secure the physician's or coroner's certificate and the removal permit and fill out the embalmer's certificates, all in duplicate and completely filled out and signed. He shall then detach the original of the embalmer's certificate attached to the paster, forward said original certificate immediately to the secretary of the State board of embalmers, and deliver the transit permit and paster (with the duplicate of the embalmer's certificate attached) to the agent of the transportation company accepting the body for shipment.

The agent of any transportation company within the State of New Mexico who receives a dead human body for shipment shall fill out and sign the transit form on the paster in duplicate. He shall then fasten the original paster securely on the top of the shipping case and deliver the original transit permit to the passenger accompanying the body, or if the shipment is made by express, attach said permit to the waybill. He shall then forward the duplicate paster and the transit permit to the secretary of the State board of embalmers. Said agent shall also complete the embalmer's certificate attached to the duplicate paster and forward said certificate to the general office of the transportation company.

SEC. 13. No disinterred body dead from any disease or cause shall be accepted by any transportation company for shipment without the same documentary authority as is required by section 12. The disinterment and transportation of bodies dead of diseases mentioned in section 9 shall not be allowed except by special permission of the health officer, both at the place of disinterment and the point of destination.

SEC. 14. All disinterred remains shall be inclosed in metal-lined boxes and be hermetically sealed: *Provided*, That bodies in receiving vaults, when prepared by a licensed embalmer, shall not be regarded as disinterred bodies until after expiration of 30 days. All disinterred remains in receiving vaults shall be thoroughly disinfected and inclosed in metal-lined boxes, hermetically sealed.

Unincorporated Towns and Villages—Cleanliness. (Ch. 5, Act Feb. 21, 1919.)

SECTION. 1. That it shall be illegal for any person or persons in any town or village not incorporated, within the State of New Mexico, which shall have over 300 inhabitants, within a circumference of 2 miles to empty any garbage or filth or dead animals within the limits of the said town or village, not incorporated, on its streets, alleys, or public roads within said towns or villages. Any person found breaking the provisions of this act shall be fined by a justice of the peace in the sum of \$5, and five days in the county jail, subject to hard work, for each and every time the offense is committed, and he shall also be subject to remove the garbage, filth, or dead animals within the term of six hours from the date of notice to remove the same.

SEC. 2. That on a petition of at least 50 per cent of the legal voters within the said towns or villages not incorporated within the State of New Mexico the justice of the peace shall have the power to name a day in which every male, able-bodied, over the age of 18 years, shall work one day to clean and fix

the streets, alleys, and public roads within the limits of said town or village not incorporated within the State of New Mexico.

SEC. 3. That every able-bodied male over the age of 18 years shall be subject to give one day's work, or \$1 in cash, to keep the cleanliness of said towns or villages not incorporated within the State of New Mexico, having over 300 inhabitants, in conformity with section 2 of this act.

SEC. 4. That the justice of the peace at said town or village shall be allowed the sum of \$5 to notify and attend and direct the day assigned for such work, which shall be only one day each year, which said sum shall come out of the fines and moneys collected by him, and the balance shall go to the credit of the school district where such offenses have been committed.

SEC. 5. If any justice of the peace, to whom shall be presented a petition, signed by not less than 25 per cent of the legal voters within the limits of such town or village, petitioning him that the same be cleaned, should refuse to pay attention to such petition he shall be guilty of a misdemeanor, and upon conviction thereof he shall be fined in a sum of not less than \$10 nor more than \$25, or 20 days in the county jail, subject to hard work.

NEW YORK.

Communicable Diseases—Diseases Included Under Term “Infectious, Contagious, or Communicable Disease” Specified. (Reg. Dept. of H., May 27 and Nov. 18, 1919.)

Regulation 1¹ of chapter 2 of the Sanitary Code of the State of New York is hereby amended to read as follows:

REGULATION 1. *Communicable diseases designated.*—When used in the public health law and this code, the terms infectious, contagious, or communicable disease shall be held to include the following diseases, which are hereby declared to be communicable through the conveyance of infective organisms. The communicable diseases, for convenience of administration, are divided into two groups:

A.

Anthrax.

Chicken pox

Cholera, Asiatic.

Diphtheria (membranous croup).

Dysentery, amebic and bacillary.

Epidemic cerebrospinal meningitis.

Epidemic influenza.

Epidemic or streptococcus (septic)
sore throat.

German measles.

Glanders.

Measles.

Mumps.

Paratyphoid fever.

Plague.

Pneumonia:

a. Acute lobar.

b. Bronchial or lobular.

Poliomyelitis, acute anterior (infantile paralysis).

Puerperal septicemia.

Rabies

Scarlet fever.

Smallpox.

Tetanus.

Trachoma.

Tuberculosis.

Typhoid fever.

Typhus fever.

Whooping cough.

B.

Syphilis.

Gonorrhea.

Ophthalmia neonatorum (suppurative conjunctivitis of the newborn).

Chaneroid.

Communicable Diseases—Attendance at Schools and Gatherings. (Reg. Dept. of H., Jan. 10, 1919.)

Regulation 27² of chapter 2 of the Sanitary Code of the State of New York is hereby amended to read as follows:

REG. 27. *Exclusion from school and gatherings of cases of certain communicable diseases.*—No person affected with chicken pox, diphtheria, epidemic

¹ Pub. Health Repts. Reprint 279, p. 115.

² Supplement No. 38 to Pub. Health Repts., p. 281.

cerebrospinal meningitis, epidemic influenza, epidemic or septic sore throat, German measles, measles, mumps, poliomyelitis (infantile paralysis), scarlet fever, smallpox, trachoma, or whooping cough shall attend or be permitted to attend any public, private, or Sunday School, or any public or private gathering. Such exclusion shall be for such time and under such conditions as may be permitted by the local health authorities not inconsistent with the provisions of this code or the special rules and regulations of the State department of health.

Typhoid and Paratyphoid Fever—Minimum Period of Isolation. (Reg. Dept. of H., Jan. 10, 1919.)

Regulation 36³ of chapter 2 of the Sanitary Code of the State of New York is hereby amended by inserting between the paragraph beginning with the word "smallpox" and the paragraph beginning with words "whooping cough" a new paragraph, to read as follows:

Typhoid or paratyphoid fever, if the patient's occupation involves the handling of milk, dairy products, or other food, until all signs of the disease, or all secondary or complicating infections incited by the agents of these diseases, have disappeared, and until two successive specimens of the intestinal discharges of the patient have been taken at an interval of not less than seven days and have been examined in a laboratory approved by the State commissioner of health and found to be free from typhoid or paratyphoid bacilli.

Communicable Diseases—Handling, Sale, and Destruction of Food. (Reg. Dept. of H., June 24, 1919.)

Regulation 37⁴ of chapter 2 of the Sanitary Code of the State of New York is hereby amended to read as follows:

REG. 37. *Sale of foods forbidden in certain cases.*—When a case of diphtheria, epidemic or septic sore throat, amebic or bacillary dysentery, epidemic cerebrospinal meningitis, paratyphoid fever, scarlet fever, smallpox, poliomyelitis, acute anterior (infantile paralysis), or typhoid fever exists on any farm or dairy producing milk, cream, butter, cheese, or other foods likely to be consumed raw, no such foods shall be sold or delivered from such farm or dairy, except under the following conditions:

- (a) That such foods are not brought into the house where such case exists;
- (b) That all persons coming in contact with such foods eat, sleep, and work wholly outside such house;
- (c) That such persons do not come in contact in any way with such house or its inmates or contents;
- (d) That said inmates are properly isolated and separated from all other parts of said farm or dairy, and efficiently cared for; and
- (e) That a permit be issued by the health officer.

Regulation 38⁴ of chapter 2 of the Sanitary Code of the State of New York is hereby amended to read as follows:

REG. 38. *Destruction of foods in certain cases.*—When a case of diphtheria, epidemic or septic sore throat, amebic or bacillary dysentery, epidemic cerebrospinal meningitis, paratyphoid fever, scarlet fever, smallpox, poliomyelitis, acute anterior (infantile paralysis), or typhoid fever exists on any farm or dairy producing milk, cream, butter, cheese, or other foods likely to be consumed

³ Supplement No. 38 to the Pub. Health Repts., p. 285.

⁴ Pub. Health Repts. Reprint 279, p. 117.

raw, the State commissioner of health or the local health officer may destroy or order the destruction of any such foods which in his opinion may have been so contaminated as to be a source of danger.

Regulation 39⁴ of chapter 2 of the Sanitary Code of the State of New York is hereby amended to read as follows:

REG. 39. *Handling of food forbidden in certain cases.*—No person affected with any communicable disease shall handle food or food products intended for sale which are likely to be consumed raw or liable to convey infective material.

No person who resides, boards, or lodges in a household where he comes in contact with any person affected with bacillary dysentery, diphtheria, epidemic or septic sore throat, measles, paratyphoid fever, scarlet fever, poliomyelitis, acute anterior (infantile paralysis), or typhoid fever shall handle food or food products intended for sale.

No waiter, waitress, cook, or other employee of a boarding house, hotel, restaurant, or other place where food is served, who is affected with any communicable disease, shall prepare, serve, or handle food for others in any manner whatsoever.

No waiter, waitress, cook, or other employee of a board house, hotel, restaurant, or other place where food is served, who lodges or visits in a household where he comes in contact with any person affected with bacillary dysentery, diphtheria, epidemic or septic sore throat, measles, paratyphoid fever, scarlet fever, poliomyelitis, acute anterior (infantile paralysis), or typhoid fever, shall prepare, serve or handle food for others in any manner whatsoever.

Venereal Diseases—Collection and Submission of Specimens for Laboratory Examination. (Reg. Commissioner of H., Jan. 10, 1919.)

The collection and submission of specimens for laboratory examination.—In every case in which there is evidence of syphilis, gonorrhea, or chancroid the attending physician shall submit to the laboratory of the State department of health, or to a laboratory approved for that purpose by the State commissioner of health, the specimens required for examination listed below, accompanied by the following data: Name, address, age, occupation, and marital condition of the patient, clinical diagnosis, source and date of infection.

1 SYPHILIS.

(a) *Submission of specimens.*—A physician attending a positive or suspected case of syphilis, shall send, whenever possible, such case to a laboratory where a careful examination of the exudate from the chancre or other local lesion with dark field illumination shall be made. The physician shall also submit to a laboratory a specimen of blood for the complement-fixation (Wassermann) test.

When laboratory tests of the blood made during the first six weeks after the appearance of the lesion suspected to be a chancre are negative, a further specimen to test the diagnosis shall be submitted between the end of the sixth week and the end of the eighth week following the appearance of the lesion.

A physician attending a case of constitutional syphilis (the so-called secondary, latent, or tertiary stages of the disease) shall submit to a laboratory a specimen of blood of such case for the complement-fixation (Wassermann) test.

⁴ Pub. Health Repts. Reprint 279, p. 117.

The above examinations shall be made in a laboratory or laboratories approved for this purpose by the State commissioner of health.

(b) *Collection of specimens.*—Fresh specimens of exudate from the lesions of syphilis, especially from chancre, which are to be examined with the dark field illumination, shall be taken as follows: Remove a bit of the hard scab, sop the blood until bleeding stops, then squeeze the sore to express a drop of serum. All such specimens should be examined immediately.

Specimens of blood for the complement-fixation (Wassermann) test, consisting of not less than 3 cubic centimeters, shall be drawn into the sterile tube supplied for this purpose, as described on the blanks which accompany the laboratory outfits.

2. GONORRHEA.

(a) *Submission of specimens.*—A physician attending a positive or suspected case of gonorrhea shall submit the specimens designated below to a laboratory. In those cases in which the clinical evidence of the disease is present, and the first laboratory examination was negative, a second specimen shall be submitted.

These examinations shall be made in a laboratory or laboratories approved for this purpose by the State commissioner of health.

(b) *Collection of specimens.*—In acute or active cases of gonorrhea, specimens of the urethral discharge shall be collected in the manner prescribed on the blanks which accompany the laboratory outfits furnished for this purpose.

In the male, if no discharge is evident, specimens shall be obtained after careful massage of the prostate, by compressing the urethra with the finger and stripping toward the meatus.

In the female if no urethral discharge is evident, specimens shall be taken by compressing the urethra with the finger and stripping toward the meatus. Specimens of fresh exudate shall be taken from the cervix uteri, after careful cleansing of the os, and also from Bartholin's glands when it is evident that these are infected.

All specimens of the discharge secured as above indicated shall be at once smeared on the glass slides as described on the blanks accompanying the laboratory outfits furnished for this purpose.

3. CHANCROID.

Without laboratory tests it is impossible to distinguish with certainty chancroid from chancre, hence all such lesions shall be considered chancre until the complement-fixation (Wassermann) test of the blood is negative.

A physician attending a positive or suspected case of chancroid shall send, whenever possible, such case to a laboratory where a careful examination of the exudate from the chancroid or other local lesion, with dark field illumination, shall be made. The physician shall also submit to a laboratory a specimen of blood for the complement-fixation (Wassermann) test.

When laboratory tests of the blood made during the first six weeks after the appearance of the lesion suspected to be a chancroid are negative, a further specimen to test the diagnosis shall be submitted between the end of the sixth week and the end of the eighth week following the appearance of the lesion.

The above examinations shall be made in a laboratory or laboratories approved for this purpose by the State commissioner of health.

Venereal Diseases—Examination of Persons Suspected of Being Infected and of Certain Persons Under Arrest. (Ch. 40, Act Mar. 12, 1919.)

SECTION 1. Sections 343m and 343n of chapter 49 of the laws of 1909, entitled "An act in relation to the public health, constituting chapter 45 of the consolidated laws," as added by chapter 264³ of the laws of 1918, are hereby amended to read, respectively, as follows:

SEC. 343m. *Suspected persons.*—Whenever the board of health or health officer of a health district shall have reasonable ground to believe that any person within the jurisdiction of such board or health officer is suffering from, or infected with, any infectious venereal disease and is likely to infect or to be the source of infection of any other person, such board of health or health officer shall cause a medical examination to be made of such person, for the purpose of ascertaining whether or not such person is in fact suffering from, or infected with, such disease, and every such person shall submit to such examination and permit such specimens of blood or bodily discharges to be taken for laboratory examinations as may be necessary to establish the presence or absence of such disease or infection, and such person may be detained until the results of such examinations are known: *Provided*, That the required examination shall be made by the health officer, or, at the option of the person to be examined, by a licensed physician who, in the opinion of the health officer, is qualified for this work and is approved by him, and such licensed physician making such examination shall report thereon to the board of health, health department, or health officer, but shall not issue a certificate of freedom from venereal disease to or for the person examined. Such suspected person may apply to a magistrate for an order restraining such examination and no examination shall then be made except upon order of such magistrate. Before such examination each suspected person shall be informed of this right and be given an opportunity to avail himself or herself thereof.

SEC. 343n. *Persons under arrest.*—Every person arrested for vagrancy as defined under subdivisions 3 or 4 of section 887 of the code of criminal procedure or under section 150 of the tenement house law or under any statute or ordinance for any offense of the nature specified in subdivision 4 of section 887 of the code of criminal procedure, or arrested charged with a violation of section 1146 or 1148 of the penal law, or any person arrested for frequenting disorderly houses or houses of prostitution, shall be reported within 24 hours by the court or magistrate before whom such person is arraigned to the board of health or health officer of the health district in which the alleged offense occurred, and shall be examined in accordance with the provisions of the preceding section. For purpose of examination and diagnosis as provided in the preceding section, such person may be detained until the results of such examination are known. No such person if convicted shall be released from the jurisdiction of such court or magistrate until the person so convicted has been examined as provided for in the preceding section.

Prostitution, Lewdness, or Assignment—Persons Convicted of and Placed on Probation—Treatment when Venereally Infected. (Ch. 502, Act May 9, 1919.)

SEC. 3. Such chapter [code of criminal procedure] is hereby amended by inserting therein a new section, to be section 891a, to read as follows:

SEC. 891a. Any person convicted in a city of violation of subdivision 4 of section 887 of the code of criminal procedure, shall be committed by the court

³ Supplement No. 38 to the Pub. Health Repts., p. 285.

or judge to any reformatory or house of refuge or other correctional institution for a period not to exceed three years or to a county jail, penitentiary, or other penal institution for a period not to exceed one year, or placed on probation for a period not to exceed three years: *Provided*, In the case of a person infected with venereal disease, such probation shall be granted only upon such terms and conditions as shall insure medical treatment of such disease and prevent the spread thereof, and no girl or woman shall be placed on probation except to a woman probation officer where available. The provisions of this subdivision shall not supersede the provisions of chapter 659 of the laws of 1910 or any amendment thereto, relating to the commitment of convicted persons.

County Tuberculosis Hospitals—Establishment and Maintenance. (Ch. 57, Act Mar. 13, 1919.)

SECTION 1. Section 45 of chapter 16 of the laws of 1909, entitled "An act in relation to counties, constituting chapter 11 of the consolidated laws," as added by chapter 341 of the laws of 1909, and last amended by chapter 268^{*} of the laws of 1918, is hereby amended to read as follows:

SEC. 45. *Establishment of county hospital for tuberculosis.*—The board of supervisors of every county in the State containing a population of 35,000 or more, as determined by the latest State census, shall establish as hereinafter provided, a county hospital for the care and treatment of persons suffering from the disease known as tuberculosis, unless there already exists in such county a hospital or institution provided by the county or other authority and caring for persons suffering from tuberculosis, which is approved by the State commissioner of health, or the board of supervisors of such county except in a county wherein a site for such hospital has been approved by the State commissioner of health prior to the taking effect of this act, shall have entered into a contract prior to November 1, 1919, for the care of its tuberculosis patients with an adjoining county having such county hospital or with a private sanatorium within its county or shall join prior to November 1, 1919, with one or more other counties in the establishment and maintenance of such county hospital as hereinafter provided. Such county hospital, except a hospital established and maintained by two or more counties, shall be available for patients on or before the 1st day of July, 1918. If the board of supervisors of any such county shall have failed to secure a site for a county tuberculosis hospital, and to have awarded contracts for the erection of suitable buildings thereon by the 1st day of January, 1918, it shall be the duty of the State commissioner of health forthwith to proceed to locate, construct, and place in operation a tuberculosis hospital in and for such county, the capacity of which shall not exceed the average number of deaths per annum from tuberculosis in such county during the past five years. For such purposes the State commissioner of health shall possess, and it shall be his duty to exercise all the powers which would have been possessed by the board of supervisors of such county, had such hospital been established and placed in operation by the board of supervisors thereof. All expenditures incurred by the State commissioner of health for and in connection with the location, construction, and operation of such hospital, shall be a charge upon the county, and provision shall be made for the payment therefor by the board of supervisors of such county in the same manner as in the case of other charges against the county. At any time after such hospital has been in operation.

^{*} Supplement No. 38 to the Pub. Health Repts., p. 288.

the board of supervisors in such county may appoint a board of managers for such hospital, pursuant to the provisions of this act and 30 days after the appointment of such board of managers by such board of supervisors, such hospital shall be transferred to such board of managers, and such board of managers shall thereafter possess and exercise all the powers of the board of managers of a county hospital for tuberculosis under this act, and the State commissioner of health shall be relieved from any responsibility therefor except such responsibility as he exercises in regard to all county tuberculosis hospitals under the provisions of this act.

When deemed advisable by the board of supervisors and approved by the State commissioner of health any such county may maintain more than one county hospital for the care and treatment of persons suffering from tuberculosis. The board of supervisors of any other county shall have power by a majority vote to establish a county hospital for the care and treatment of persons suffering from the disease known as tuberculosis, or it may submit the question of establishing such a hospital to the voters of the county at any general election, and in any county in which town meetings at which all the voters of the county may vote are held in the spring of the year the board of supervisors of such a county shall have authority also to submit the question of establishing such a hospital at said town meetings to the electors of the county who are qualified to vote at a general election. The board of supervisors shall fix the sum of money deemed necessary for the establishment of said hospital. The form of the proposition submitted shall read as follows: "Shall the county of _____ appropriate the sum of _____ dollars for the establishment of a tuberculosis hospital?" The clerk of the board of supervisors, immediately upon the adoption of such resolution, shall forward to the duly constituted election authorities of the county a certified copy of said resolution providing for the submission of the proposition. The election notices shall state that the proposition will be voted upon and in the form set forth above. Such proposition shall be submitted on a distinct and separate ballot without any other question being printed thereon, any general or special law to the contrary notwithstanding. Provision for taking such vote and for the canvassing and returning of the result shall be made by the duly constituted election authorities.

If a majority of the voters voting on such proposition shall vote in favor thereof, then such hospital shall be established hereunder, and the sum of money named in the said proposition shall be deemed appropriated, and it shall be the duty of the board of supervisors to proceed forthwith to exercise the powers and authority conferred upon it in this section.

When the board of supervisors of any county shall have voted to establish such hospital, or when a referendum on the proposition of establishing such a hospital in a county, as authorized above, shall have been carried, the board of supervisors shall—

1. Purchase or lease real property therefor or acquire such real property and easements therein by condemnation proceedings, in the manner prescribed by the condemnation law, in any town, city, or village in the county. After the presentation of the petition in such proceeding prescribed in section 3360 of the code of civil procedure and the filing of the notice of pendency of action prescribed in section 3381 thereof, said board of supervisors shall be and become seized of the whole or such part of the real property described in said petition to be so acquired for carrying into effect the provisions of this act as such board may, by resolution adopted at a regular or special session, determine to be necessary for the immediate use, and such board for and in the name of

such county may enter upon, occupy, and use such real property so described and required for such purposes. Such resolution shall contain a description of the real property of which possession is to be taken and the day upon which possession will be taken. Said board of supervisors shall cause a copy of such resolution to be filed in the county clerk's office of the county in which such property is situate, and notice of the adoption thereof, with a copy of the resolution and of its intention to take possession of the premises therein described on a day certain, also therein named, to be served, either personally or by mail, upon the owner or owners of and persons interested in such real property at least five days prior to the day fixed in such resolution for taking possession. From the time of the service of such notice the entry upon and appropriation by the county of the real property therein described for the purposes provided for by this act shall be deemed complete, and such notice so served shall be conclusive evidence of such entry and appropriation and of the quantity and boundaries of the lands appropriated. The board of supervisors may cause a duplicate copy of such papers so served, with an affidavit of due service thereof on such owner or persons interested, to be recorded in the books used for recording deeds in the office of the county clerk of its county, and the record of such notice and such proof of service shall be prima facie evidence of the due service thereof. Compensation for property thus acquired shall be made in such condemnation proceedings.

2. Erect all necessary buildings and alter any buildings on the property when acquired for the use of said hospital: *Provided*, That the location of the buildings and the plans and such part of the specifications as shall be required by the State commissioner of health for such erection or alteration together with the initial equipment shall first be approved by the State commissioner of health. Any changes in such location or plans shall also be first approved by the State commissioner of health and the State commissioner of health and his duly authorized representatives shall have the power to inspect such county hospitals during the course of their construction for the purpose of seeing that such plans are complied with.

3. Cause to be assessed, levied, and collected such sums of money as it shall deem necessary for suitable lands, buildings, and improvements for said hospital, and for the maintenance thereof, and for all other necessary expenditures therefor; and to borrow money for the erection of such hospital and for the purchase of a site therefor on the credit of the county, and issue county obligations therefor, in such manner as it may do for other county purposes.

4. Appoint a board of managers for said hospital as hereinafter provided.

5. Accept and hold in trust for the county any grant or devise of land, or any gift or bequest of money, or other personal property, or any donation to be applied, principal or income, or both, for the benefit of said hospital, and apply the same in accordance with the terms of the gift.

6. Whenever it shall deem it in the public interest so to do, and notwithstanding the provisions of any other general or special act, change the location of such hospital and acquire a new site by purchase, lease, or condemnation, as provided in this section, and establish the hospital thereon. The board of supervisors of any county of the State, including a county in which the provisions of this chapter are not mandatory, subject to the approval of the State commissioner of health, may enter into a contract prior to November 1, 1919, for the care of its tuberculosis patients with the board of supervisors of an adjoining county having such county hospital, or with a private sanatorium within its county, or may, subject to like approval, jointly with the

boards of supervisors of one or more other adjoining counties, establish prior to November 1, 1919, and thereafter maintain such county hospital. In the establishment and maintenance of such joint county hospital, the boards of supervisors so uniting, in accordance with such rules and regulations as may be prescribed by the State commissioner of health, shall have jointly, except as provided in this section, all the power and authority conferred and obligations imposed upon boards of supervisors by this chapter for the establishment and maintenance of such county hospital in a single county and, for that purpose, each board of supervisors in such county shall appoint severally three of its members, who collectively shall be a commission, to select a site for such joint county hospital in any town, city, or village in one of such counties and, when the necessary real property so selected by such commission shall have been acquired, purchased, or leased as herein provided, to erect all necessary buildings, and alter any buildings, on such property for the use of such joint hospital. Such commission shall have all the powers and duties conferred or imposed upon boards of supervisors by sections 45 to 49 inclusive of this chapter, except as in this section expressly otherwise provided.

Every such joint county hospital shall be completed and ready for occupancy prior to November 1, 1920. When completed, each board of supervisors in such counties shall appoint severally three citizens of its county, of whom at least one shall be a practicing physician, who collectively shall constitute a board of managers of such joint county hospital and shall exercise the functions and powers granted and be subject, so far as practicable, to the provisions of this chapter applicable to boards of managers of a county hospital established under this chapter in a single county and said board of managers shall appoint at least one nurse in each county for the discovery, visitation, and care of persons affected with tuberculosis and may appoint such additional nurse or nurses as it may deem necessary. The representation and voting power of each manager in such joint board shall be upon the basis and at the rate of one vote for each 1,000 and major fraction of the population of the county from which such manager shall be chosen as determined by the latest State census. The superintendent appointed by such board shall have the powers and perform the duties which are prescribed in this chapter for superintendents of hospitals in a single county and the other employees of such board shall perform such duties as the board shall prescribe. The expense of the establishment and maintenance of a joint county hospital as herein provided shall be paid by such counties in proportion to the assessed value of the taxable property of each such county as it appears by the assessment rolls of such counties on the last assessment for State or county taxes prior to the incurring of such expense, and the board of supervisors of each county so combining is hereby authorized to borrow money to defray its share, estimated as herein provided, for the erection of such hospital and for the purchase of a site therefor on the credit of the county and issue county obligations therefor in such manner as it may do for other county purposes. All provisions of sections 45 to 49, inclusive, of this chapter not in conflict with the provisions of this section shall apply to such joint hospital, its establishment, maintenance, and operation, except that for the purpose of the admission of patient to such hospital each of the counties so combining shall be considered the county in which the hospital is situated.

SEC. 2. Section 2 of chapter 268 of the laws of 1918, entitled "An act to amend the county law, in relation to county tuberculosis hospitals," is hereby repealed.

**Hospitals, Camps, or Other Establishments for Treatment of Tuberculosis—
Approval of Establishment of. (Ch. 421, Act May 5, 1919.)**

SECTION 1. Section 319 of chapter 49 of the laws of 1909, entitled "An act in relation to public health, constituting chapter 45 of the consolidated laws," as last amended by chapter 291^a of the laws of 1916, is hereby amended so as to read as follows:

SEC. 319. *Consents requisite to the establishment of hospitals or camps for the treatment of pulmonary tuberculosis.*—A hospital, camp, or other establishment for the treatment of patients suffering from the disease known as pulmonary tuberculosis shall not be established in any town by any person, association, corporation, or municipality except when authorized as provided by this section. The person, association, corporation, or municipality proposing to establish such a hospital, camp, or other establishment shall file with the State commissioner of health a petition describing the character thereof, stating the county and town in which it is to be located and describing the site in such town for such proposed hospital, camp, or other establishment, and requesting the commissioner to fix a date and place for a hearing on such petition before the said State commissioner of health and the local health officer, who shall constitute a board to approve or disapprove the establishment of such hospital, camp, or other establishment in accordance with such petition. The State commissioner of health shall fix a date and a place for a hearing on such petition, which date shall be not less than 30 nor more than 40 days after the receipt thereof. A notice of such hearing specifying the date and place thereof and briefly describing the proposed site for such hospital, camp, or other establishment shall be mailed to the person, association, corporation, or municipality proposing to establish the same and to the health officer and each member of the board of health of the town in which it is proposed to establish such hospital, camp, or other establishment at least 20 days before the hearing, and also published twice in a local newspaper of the town, or if there is no such paper published therein, then in the newspapers of the county designated in pursuance of law to publish the session laws.

At the time and place fixed for such hearing the State commissioner of health, or his deputy when designated by the commissioner, and the local health officer shall hear the petitioner and any person who desires to be heard in reference to the location of such hospital, camp, or other establishment, and they shall within 30 days after the hearing, if they are able to agree, approve or disapprove of the location thereof and shall notify the person, association, corporation, or municipality of their determination. At any time after the filing of such petition and before the acquiring of the title of such site, the State commissioner of health, on the written request of the person, association, corporation, or municipality filing such petition, may modify the description of such proposed site as stated in such petition by omitting therefrom any portion of the site so described not yet acquired which he shall determine to be unnecessary for the purposes of such hospital, camp, or other establishment. The State commissioner of health shall within 30 days after such determination to modify such description notify the petitioner thereof in writing. The determination of the State commissioner of health, or his deputy, as the case may be, and the local health officer shall be final and conclusive; but if within 30 days after the hearing they are unable to agree, they shall within such 30 days notify the person, association, corporation, or municipality proposing to establish such hospital, camp, or other establishment that they are unable to agree. Within 10 days

^a Pub. Health Repts. Reprint 406, p. 160.

after the receipt of such notice, such person, association, corporation, or municipality may file in the office of the State commissioner of health a request that the petition be referred to a board consisting of the lieutenant governor, the speaker of the assembly, and the State commissioner of health. Such officers shall approve or disapprove of the proposed location of such hospital, camp, or other establishment after a hearing of which notice shall be mailed to the person, association, corporation, or municipality proposing to establish the same and to the health officer and to each member of the local board of health of the town, or without a hearing, upon the evidence, papers, and documents filed with the State commissioner of health or that may be submitted to them, as the board shall determine. They shall make their determination within 30 days after the request for such submission has been filed in the office of the State commissioner of health and cause a copy thereof to be mailed to the person, association, corporation, or municipality proposing to establish such hospital, camp, or other establishment and to the health officer of the town in which it is proposed to establish the same. Such determination shall be final and conclusive.

State Commissioner of Health and Deputy Commissioner—Salaries and Expenses.—State Department of Health—Employees. (Ch. 541, Act May 10, 1919.)

SECTION 1. Section 3⁷ of chapter 49 of the laws of 1909, entitled "An act in relation to the public health, constituting chapter 45 of the consolidated laws," as amended by chapter 559 of the laws of 1913, is hereby amended so as to read as follows:

SEC. 3. *Compensation of officers and employees.*—The commissioner of health shall receive an annual salary of \$8,000, and his expenses actually and necessarily incurred in the performance of his official duties, to be paid monthly on the audit of the comptroller. The deputy commissioner of health shall receive an annual salary of \$6,000 and his expenses actually and necessarily incurred in the performance of his official duties, to be paid monthly on the audit of the comptroller. The commissioner of health may employ such clerical and other assistants as are necessary for the proper performance of the powers and duties of the department, and fix their compensation within the amount appropriated therefor by the legislature.

SEC. 2. The sum of \$1,000 is hereby appropriated for the purpose of carrying out the provisions of this act.

SEC. 3. This act shall take effect July 1, 1919.

Local Boards of Health—Organization. Local Health Officers—Appointment. (Ch. 423, Act May 5, 1919.)

SECTION 1. Section 20 of chapter 49 of the laws of 1909, entitled "An act in relation to the public health, constituting chapter 45 of the consolidated laws," as last amended by chapter 275⁸ of the laws of 1918, is hereby amended so as to read as follows:

SEC. 20. *Local boards of health.*—There shall continue to be local boards of health and health officers in the several cities, villages, and towns of the State except as hereinafter provided. In the cities, except cities of the first and second class, the board shall consist of the mayor of the city, who shall be its president, and at least six other persons, one of whom shall be a competent physician, who shall be appointed by the common council upon the nomination

⁷ Pub. Health Repts. Reprint 264, p. 315.

⁸ Supplement No. 38 to the Pub. Health Repts., p. 293.

of the mayor and shall hold office for three years. Appointments of members of such boards shall be made for such shorter terms as at any time may be necessary, in order that the terms of two appointed members shall expire annually. In the cities, except cities of the first and second class, and such other cities whose charters otherwise provide, the board shall appoint, for a term of four years, a competent physician, not one of its members, to be the health officer of the city, and shall fill any vacancy that now exists or may hereafter exist from expiration of term or otherwise in the office of health officer of the city. In villages the board of health shall consist of the board of trustees of such village. In towns the board of health shall consist of the town board. The local board of health shall appoint a competent physician, not a member of the local board of health, to be the health officer of the municipality. Notwithstanding the provisions of any general or local law or charter, a physician who has received the degree of doctor of public health in course from any institution of learning recognized by the regents of the University of the State of New York, or who has completed a course in public health approved by the public health council at the time of his appointment, shall be eligible for appointment as health officer. The term of office of the health officer shall be four years, and he shall hold office until the appointment of his successor. He may be removed for just cause by the local board of health or the State commissioner of health after a hearing; such removal by the local board of health must be approved by the State commissioner of health. The health officer need not reside within the village or town for which he shall be chosen. Notice of the membership and organization of every local board of health shall be forthwith given by such board to the State department of health. The term "municipality," when used in this article, means the city, village, town, or consolidated health district for which any such local board may be or is appointed. The provisions herein contained as to boards of health, and for the appointment of health officers, shall apply to all towns and villages, whether such villages are organized under general or special laws. The members of town boards and of village boards of trustees and of boards of health of consolidated health districts shall not receive additional compensation by reason of serving as members of boards of health. Any matter within the jurisdiction of a town or village board of health may be considered and acted upon at any meeting of such town board or village board of trustees.

The State commissioner of health, on the request of the town board of any town and the board of trustees of any village and the common council or other like authority of any city, may combine into one health district, hereinafter referred to as a consolidated health district, any two or more of such towns, villages, or cities and may on the request of the town board of any town, board of trustees of any village, or common council or other like authority of any city at any time thereafter set apart such town, village, or city as a separate health district. In any consolidated health district there shall be a board of health which shall consist of the supervisor of each town, the president of the board of trustees of each village, and the mayor and the supervisors of each city included in each district: *Provided*, That if the number of members so provided for is an even number less than seven, such members shall within 30 days after such district shall have been established by the State commissioner of health choose an additional member of such board of health to be known as the elective member, and if the number of members so provided for is more than seven such members shall meet and elect a board of health of three members for such consolidated health district. Of the board of health first so elected one member shall be elected to serve until one year from the 1st day of January following his election, one to serve two years, and one to serve three years

from such 1st day of January, and until his successor has been elected and has qualified. Prior to December 1 each year such village presidents, mayors, and supervisors shall meet and elect one member of the board of health who shall serve three years from the January 1 following and until his successor has been elected and has qualified. An elective member shall serve for a term of two years from the 1st day of January preceding his election and until his successor shall have been appointed: *Provided*, That if at any time the number of members of the board of health, excluding the elective member, shall become an odd number, the term of office of the elective member shall thereupon cease.

The board of health of a consolidated health district shall from time to time elect a president from among its members. The health officer of a consolidated health district shall serve as the secretary of the board of health thereof without additional remuneration therefor.

In each such consolidated health district the board of health shall appoint a health officer. Each board of health and each health officer of a consolidated health district shall have all the rights, powers, duties, and obligations conferred and imposed by law upon boards of health and health officers, respectively.

When any consolidated health district is established, as herein provided, the boards of health of the towns, villages, or cities included within such district shall thereupon cease to exist as boards of health, and all their rights, powers, duties, and obligations shall thereupon be transferred to the board of health of such district. When the board of health of any such consolidated health district shall have appointed a health officer therefor the terms of office of the health officers of the towns, villages, or cities included in such district shall cease, and all their rights, powers, duties, and obligations shall thereupon be transferred to and imposed upon the health officer appointed for such consolidated health district.

The board of health of any such consolidated health district shall from time to time audit all accounts, and allow or reject all charges, claims, and demands against such health district for the remuneration and expenses of the health officer, registrar, or registrars, and for all other expenses lawfully incurred by said board of health or on its authority. Unless such board of health of such consolidated health district adopts the estimate system of payment as provided by this section they shall, prior to the annual meeting of the board of supervisors each year, make an abstract, to be known as the consolidated health district abstract, of the names of all persons who have presented to them accounts to be audited, the amounts claimed by each such person, and the amounts finally audited and approved by them, respectively, and if such district be wholly in one county shall deliver such abstract to the clerk of the board of supervisors. If such consolidated health district be located in more than one county the board of health of such district shall divide the total amount of the consolidated health district abstract as audited and approved in proportion to the assessed valuation of the real and personal property of the towns, villages, or cities of such consolidated health district located in each county, as determined by the last preceding assessment rolls of the towns or cities wholly or partly included in such district, and shall deliver a certified copy of such abstract to the board of supervisors of each such county, with a statement of the amount due from the real and personal property of each town, village, or city of the consolidated health district in each such county on account of the expenses of such board. The board of supervisors of each such county shall levy a tax upon the real and personal property within such health district sufficient to provide for the sums audited and approved by the board of

health thereof and chargeable to the real and personal property of each town, village, or city of the consolidated health district in each such county. Such sums, when collected and paid to the county treasurer of each such county, respectively, shall be paid by him to the president of such board of health and shall be disbursed by him in accordance with the abstract of claims audited and approved by such board of health, as hereinabove provided.

The board of health of any consolidated health district may annually make an estimate of the expenses of such board for the ensuing calendar year, and if such district be wholly in one county shall deliver a certified copy of such estimate to the clerk of the board of supervisors of such county prior to the annual meeting of the board preceding such year. If such consolidated health district be located in more than one county, the board of health of such district shall proportion the total amount of such estimate in the same manner as provided by this section for proportioning the expenses of such a district when audited and approved by the board, and shall deliver to the clerk of the board of supervisors of each such county a certified statement of the total estimate and the amount due from the real and personal property of each town, village, or city of the consolidated health district in each such county on account thereof. The board of supervisors of each such county shall levy a tax upon the real and personal property within such health district sufficient to provide for the portion of the amount of such estimate chargeable to the real and personal property of each town, village, or city of the consolidated health district in each such county. Such sums, when collected and paid to the county treasurer of each county, respectively, shall be paid by him to the president of such board of health and shall be disbursed by the board of health in accordance with the estimates. After such estimate system has been adopted by a consolidated health district, the board of health thereof shall deduct from the estimate for the succeeding calendar year the amount, if any, remaining in the hands of such board after all of the liabilities incurred on account of the preceding estimate have been paid, before the certified statement of the total estimate and the amount due from the real and personal property of each town, village, or city of the consolidated health district in each such county is certified to the respective clerks of the boards of supervisors for collection.

Public Health Nurses—Resolution Prescribing Certain Qualifications Repealed. (Reg. Dept. of H., Jan. 10, 1919.)

Resolved, That the regulation adopted by the public health council on April 21, 1914, and reading as follows:

"Resolved, That the public health nurses shall possess the following qualifications:

"They shall be registered nurses 21 years of age at the time of their appointment"—

be and the same hereby is repealed.

"Milk and Cream" Defined. Unwholesome Milk, Unwholesome Cream, Imitation Cream, Certified Milk, and "Milk and Cream"—Sale. (Ch. 199, Act Apr. 11, 1919.)

SECTION 1. Section 30 of chapter 9 of the laws of 1909, entitled "An act in relation to agriculture, constituting chapter 1 of the consolidated laws," is hereby amended by adding at the end thereof a new subdivision to be known as subdivision 9, to read as follows:

9. The term "milk and cream" when used shall mean a mixture of milk and cream which shall contain at least 10 per cent of milk fat.

SEC. 2. Section 32 of said law is hereby amended to read as follows:

SEC. 32. *Prohibiting the sale of adulterated milk, imitation cream, and regulating the sale of certified milk and milk and cream mixed.*—No person shall sell or exchange or offer or expose for sale or exchange any unclean, impure, unhealthy, adulterated, or unwholesome milk or any cream from the same, or any unclean, impure, unhealthy, adulterated, colored, or unwholesome cream, or sell or exchange, or offer or expose for sale or exchange, any substance in imitation or semblance of cream, which is not cream, nor shall he sell or exchange, or offer or expose for sale or exchange any such substance as and for cream, or sell or exchange, or offer or expose for sale or exchange any article of food made from such milk or cream or manufacture from any such milk or cream any article of food. No person shall sell or exchange, or offer or expose for sale or exchange, as and for certified milk, any milk which does not conform to the regulations prescribed by and bear the certification of a milk commission appointed by a county medical society organized under and chartered by the medical society of the State of New York and which has not been pronounced by such authority to be free from antiseptics, added preservatives, and pathogenic bacteria or bacteria in excessive numbers. All milk sold as certified milk shall be conspicuously marked with the name of the commission certifying it. No person shall sell or exchange or offer or expose for sale or exchange any product as and for "milk and cream" containing anything except pure milk and cream mixed together and which does not contain at least 10 per cent of milk fat. Any person delivering milk, cream, or "milk and cream" to any butter or cheese factory, condensary, milk-gathering station or railway station to be shipped to any city, town, or village shall be deemed to expose or offer the same for sale whether the said milk is delivered or consigned to himself or another. Each and every can thus delivered, shipped, or consigned, if it be not pure milk, must bear a label or card upon which shall be stated the constituents or ingredients of the contents of the can.

Milk and Cream—Grade B Pasteurized—Delivery. (Reg. Dept. of H., Jan. 10, 1919.)

Regulation 13^a of chapter 3 of the Sanitary Code of the State of New York is hereby amended by changing the paragraph under "Grade B pasteurized" relating to delivery to read as follows:

Such milk must be delivered within 36 hours after pasteurization between April 1 and November 1 and within 48 hours after pasteurization between November 1 and April 1, and such cream within 48 hours after pasteurization, unless a shorter time is prescribed by the local health authorities.

Waters of the State—Investigation of Extent and Character of Pollution—Investigation of Methods of Eliminating Pollution. (Ch. 615, Act May 14, 1919.)

SECTION 1. The conservation commission is hereby authorized and directed to investigate the extent and character of the pollution of rivers, lakes, streams, bays, harbors, and other waters of the State by sewage, industrial wastes, municipal refuse, or other waste matters affecting public supplies of potable water, fish or shellfish, or aquatic life necessary for the propagation or sustenance of fish or shellfish.

^a Supplement No. 37 to the Pub. Health Repts., p. 328; Supplement No. 38 to the Pub. Health Repts., p. 296.

SEC. 2. The commission is further authorized to investigate the most practicable methods of eliminating such pollution or of disposing of or treating such sewage, waste matters, or refuse in such manner as to prevent the contamination of public supplies of potable water, or injury to fish, shellfish, or other aquatic life. In connection with such investigations the commission may make such biological or chemical experiments as may be necessary or desirable, and may cooperate in making such experiments with other departments of the State, or with other States, or with the United States Government. The commission may employ such engineers, biologists, chemists, or other assistants as may be deemed necessary and fix their compensation, which shall be payable only out of the money appropriated by this act.

SEC. 3. The commission from time to time shall report to the legislature the results of its investigations, and shall make recommendations for remedial legislation.

SEC. 4. For the purpose of carrying out the provisions of this act, the sum of \$10,000, or so much thereof as may be necessary, is hereby appropriated out of the moneys in the State treasury not otherwise appropriated.

Domestic Animals—Reports of Cases of Communicable Diseases—Prevention, Control, Suppression, and Eradication of Communicable Diseases—Regulations Authorized—Importation—Quarantine—Physical Examination—Tuberculin Test—Appraisal and Destruction—Compensation of Owners—Disposition and Use of Tuberculin and Mallein—Violation of Quarantine for Rabies—Officers and Employees of Bureau of Animal Industry. (Ch. 311, Act May 3, 1919.)

SECTION 1. Article 5 of chapter 9 of the laws of 1909, entitled "An act in relation to agriculture, constituting chapter 1 of the consolidated laws," as added by chapter 660 of the laws of 1917, is hereby amended to read as follows.

ARTICLE 5. DISEASES OF DOMESTIC ANIMALS.

SEC. 90. *Bureau of animal industry; director; chief veterinarian.*—The bureau of veterinary service in the department of farms and markets shall be continued as the bureau of animal industry in such department and shall be in charge of a director who shall, under the direction of the commissioner, have general charge of the enforcement of this article. He may collect and disseminate information and statistics in relation to diseases of domestic animals, the proper care and sanitation of stables and other buildings used for the housing of farm animals, and such other similar matters as the commissioner may direct. There shall be an experienced veterinarian in the bureau who shall be known as the chief veterinarian.

SEC. 91. *Assistant veterinarians and employees.*—The commissioner may appoint such other veterinarians and employ such other persons as he may from time to time deem necessary to assist in the discharge of the duties under this article. He may also adopt suitable rules providing for the acceptance, approval, and certification of the work of veterinarians as he may deem necessary for the purposes of this article.

SEC. 92. *Control and suppression of disease.*—The commissioner may cause investigations to be made as to the best method for the control, suppression, or eradication of infectious or communicable disease affecting domestic animals. Whenever any infectious or communicable disease affecting domestic animals shall exist or shall have recently existed outside this State, the commissioner shall take measures to prevent such disease from being brought into the State.

Whenever any such disease shall exist or be brought into or break out in this State, the commissioner shall take measures promptly to suppress the same and to prevent such disease from spreading. He may issue and publish a notice stating that a specified infectious or communicable disease exists, may exist, or has recently existed in the State, or in any designated county or other geographical district thereof, and warning all persons to seclude, in the premises where they may be at the time, all animals within this State, or within such county or district, or an adjoining county or district, that are of a kind susceptible to contract such disease; and ordering all persons to take such precautions against the spreading of the disease as the nature thereof may, in his judgment, render necessary or expedient, and which he may specify in such notice. Such notice shall be published in such manner as the commissioner may designate. The commissioner may cause such notice to be posted on public service poles other than those carrying wires transmitting electricity for light or power, or on fences on the highway or on buildings abutting upon the highways: *Provided*, If such fences or buildings be personally owned, the owner thereof consent to such posting. No person shall tear down, mutilate, deface, or destroy any such notice or order issued by the commissioner and posted as provided herein, during the pendency of such notice or order. The commissioner may alter or modify, from time to time, as he may deem expedient, the terms of any notice or order issued or made pursuant to this article and may at any time cancel or withdraw the same. The commissioner of agriculture may, in behalf of the State, accept, in whole or in part, rules and regulations adopted by the Secretary of Agriculture of the United States under any act of Congress providing for the control, suppression, or eradication of communicable diseases in domestic animals, and he may cooperate with the authorities of the United States Government within this State in the carrying out of such rules and regulations and the enforcement of the provisions of any such act so passed which are not in conflict with the statutes of this State.

SEC. 93. *Report of disease.*—Every person shall immediately report to the commissioner the existence among animals of any infectious or communicable disease coming to his knowledge. Every report shall be in writing and shall include a description of the diseased animal or animals, the location thereof, the name of the disease suspected, and, if known, the name and address of the owner or person in charge of such animal or animals.

SEC. 94. *Regulations relating to importation.*—The following regulations shall apply to the importation of domestic animals:

1. No person shall knowingly bring into this State any domestic animal which has an infectious or communicable disease, except in the case of pure-bred registered bovine animals which have been removed from this State and have reacted to the tuberculin or other recognized test subsequent to such removal, may be returned to this State upon written permission from the commissioner of agriculture, subject to such rules as he may prescribe in relation thereto.

2. Any person bringing into this State domestic animals for any purpose other than immediate slaughter without taking precaution to ascertain whether such animals have an infectious or communicable disease shall be presumed to have brought them in knowingly in violation of this section if they are found to have such disease.

3. Animals received from outside the State under the supervision of the United States Department of Agriculture or the Department of Farms and Markets of the State of New York, or for which a permit or certificate shall have been issued by either of such departments, shall be deemed to have been handled with due precaution.

4. Any person importing or bringing into this State neat cattle for dairy or breeding purposes shall report immediately upon bringing such cattle into the State to the department in writing, stating the number of cattle thus brought in, the places where they were procured, the lines over which they were brought, their destination within the State, and when they will arrive thereat; and if there be filed with the department at the time of filing such report, or within 10 days thereafter, a certificate by a duly authorized veterinary practitioner approved by the authorities of the State in which he resides, or by an authorized veterinary inspector of the United States Bureau of Animal Industry, to the effect that he has duly examined such animals and that they are free from any infectious or communicable disease, the commissioner may issue a permit to such person to remove such cattle immediately. Otherwise such person shall detain such animals at the point of destination for at least 20 days for inspection or examination by the commissioner or his duly authorized agent. The provisions of this subdivision relating to advance reports to the department shall not apply to cattle imported into this State at a point where there is Federal inspection.

5. Persons bringing into this State or receiving domestic animals from without the State shall give such other information to the department as it may from time to time request relating to such animals.

6. The commissioner, a deputy commissioner, the director of the bureau, or the chief veterinarian may order all or any animals coming into the State to be detained at any place or places for inspection and examination; and if any of them after due examination be found affected with any infectious or communicable disease, such animals shall be condemned and slaughtered or held in strict quarantine.

7. Each animal brought into the State in violation of any of the provisions of this article shall constitute a separate and distinct violation.

8. Nothing contained in this section shall be construed to prevent or make unlawful the transportation of domestic animals through this State on railroads or boats.

SEC. 95. *Sanitary regulations.*—The commissioner may adopt and enforce rules regulating the sanitation of stables or other buildings used for the housing of domestic animals for the purpose of preventing the spread of infection and contagion among such animals and may provide for the inspection and examination of such stables and buildings. The commissioner may adopt and enforce rules concerning the equipment for and the method of the sanitary production of milk and may provide for the examination and scoring of dairies in accordance with such rules. He may also prescribe such rules as may be necessary for disinfecting and cleaning premises, buildings, railways cars, boats, and other objects from or by means of which infection or contagion of animals may be spread or conveyed.

SEC. 96. *Quarantine on animals or premises.*—The commissioner, a deputy commissioner, the director of the bureau, or the chief veterinarian may order any animal or animals affected with communicable disease, or which have been exposed to a communicable disease, or which they believe to be suffering from or exposed to a dangerous communicable disease, to be put in quarantine and may order any premises or farm where such disease exists or shall have recently existed to be put in quarantine, so that no domestic animal be removed from or brought to the premises quarantined; and shall prescribe such regulations affecting animals, persons, or property as they may deem necessary or expedient to prevent the dissemination of the disease from the premises so quarantined.

SEC. 97. *Examination by veterinarian prerequisite to destruction of animal.*—No animal shall be destroyed by the commissioner or by his order unless first examined by a veterinarian in the employ of the department or whose work is approved by the commissioner, nor until such veterinarian renders a certificate to the commissioner to the effect that he has made such examination; that in his judgment such animal is infected with a specified infectious or communicable disease; or that its destruction is necessary in order to prevent or suppress or to aid in preventing or suppressing such disease.

SEC. 98. *Physical examination of cattle.*—The commissioner shall cause a physical examination to be made by competent veterinarians of dairy cows whose milk is marketed in liquid form or manufactured into butter, cheese, or other food for human consumption, where the conditions are such as to make it necessary in order to prevent the products containing pathogenic bacteria, and he may cause a bacteriological test to be made of the secretions or excretions of any herd or herds of dairy cows or of any cow or cows within the State. Such physical examinations may be made as frequently as available funds appropriated will permit and as the conditions necessitate. An examination made by any qualified and approved examiner may be accepted by the commissioner. Except in advanced cases, if an animal is found to have tuberculosis the commissioner of agriculture shall not take any action based upon such physical examination unless the tuberculin test be applied and such test confirms the result of the physical examination. If from such examination, an animal be deemed to be infected with tuberculosis or any infectious or communicable disease or its condition be such as to render it undesirable for the production of milk or a menace to the health of other animals or persons, such animal shall be immediately removed from the herd, slaughtered or disposed of as the commissioner may prescribe according to the provisions of this article. If the owner or custodian of the herd so examined makes written request, the commissioner upon the recommendation of a veterinarian making such examination shall deliver or forward to such owner or custodian of such herd so examined a certificate stating that such examination has been made, the date thereof, and such other information as may be deemed necessary by the commissioner. The commissioner may make such regulations as he may deem necessary for the classification of herds examined under this section, and is hereby authorized and empowered, within the limits of his appropriation, to make arrangements at laboratories, either public or private, for the bacteriological tests above provided for.

SEC. 99. *Examination at request of owner; segregation; grading of herds.*—The owner of a herd of cattle kept for dairy or breeding purposes within the State may apply to the commissioner for examination of his herd by the tuberculin or other approved test, subject to the following regulations:

1. The application therefor shall be upon a blank form provided by the commissioner and shall include an agreement on the part of the owner of the herd to improve faulty sanitary conditions, to disinfect his premises if diseased cattle be found, and to follow directions of the commissioner designed to prevent the reinfection of the herd and to suppress the disease and prevent the spread thereof.

2. The commissioner shall cause such cattle to be examined accordingly, subject to the provisions of this article, and if any animal responds to such test, he may cause it to be slaughtered or held in strict quarantine.

3. If after examination an animal be found to be suffering from tuberculosis such animal shall be slaughtered under the provisions of this article, or the commissioner may enter into a written agreement with the owner for keeping such animal in segregation; or the commissioner may, if the condition

of such animal warrants it, consign such animal to any one of the experiment stations or farms owned or controlled by the State, or by any county of the State, or to the farms of such public institutions in the State as the commissioner shall approve, or to hospitals, sanitariums, or other institutions existing in whole or in part for the purpose of suppressing tuberculosis, there to be kept and used for breeding, dairy, or experimental purposes under regulations to be prescribed by the commissioner of agriculture.

4. Subject to the rules of the commissioner an animal found to be diseased after such examination may continue to be used for breeding purposes and its milk may be used after proper pasteurization at such temperature and for such time as the commissioner may prescribe, except that such milk may be used without pasteurization for the feeding of calves or hogs, provided such calves or hogs so fed are killed under inspection approved by the commissioner.

5. The young of any such diseased animal shall immediately be separated from its mother and shall not be permitted to receive or be fed the milk from such affected animal so separated and quarantined until such milk has been pasteurized as herein provided, unless such calf is to be killed as provided in subdivision 4 of this section.

6. The commissioner may make rules for classifying herds tested under this section, and for the purpose of giving recognition to herds which are in a healthy condition he is hereby authorized to issue such certification as he may deem proper in relation to such herds.

SEC. 99a. Certificate to healthy herds.—For the purpose of giving recognition to other than segregated herds which are certified to him, after competent examination satisfactory to him, to be in a healthy condition, the commissioner is hereby authorized to issue such certificates as he may deem proper to the owner of such herd; to use such terms to designate such herds as will harmonize with Federal designations of such herds and to adopt such rules as he may deem proper for the tagging, branding, or marking of any animal or animals affected or believed to be affected with any communicable disease, or exposed thereto. In the event that such animals are branded it shall not be construed as cruelty to animals within the meaning of the penal law.

SEC. 100. Sale of animals affected with tuberculosis.—No animal showing physical evidence of tuberculosis or in which such disease shall have been indicated as a result of the tuberculin or other approved test, shall be sold other than for immediate slaughter except under a written contract approved by the commissioner, signed by both parties, describing the animal and stating that it is believed to be tuberculous. No such animal shall be removed except for immediate slaughter from the premises where examined except upon the written permission of the commissioner. A contract of sale as provided by this section shall be executed in triplicate and one copy thereof delivered to the purchaser, one kept by the seller, and the other delivered to the commissioner.

SEC. 101. Appraisers.—The commissioner may employ from time to time appraisers of condemned animals. The chief or any assistant veterinarian shall have all the powers of any appraiser of condemned animals under this article.

SEC. 102. Appraisal of diseased animals.—Each animal directed to be slaughtered or taken over by the State to be kept segregated shall be appraised at the market value of such animal at the time of making the appraisal. If the value of a condemned animal as determined by the appraiser is not satisfactory to the owner, its value shall be determined by arbitrators, one of whom shall be appointed by the State appraiser and one by the owner. If they are unable to agree, a third arbitrator shall be appointed by them. The value determined by such arbitrators shall after approval by the commissioner be final. The arbitrator selected by the owner shall be paid by him. If a third arbitra-

tor be chosen he shall be paid by the State not more than \$5 per day and necessary expenses. Appraisers of condemned animals and arbitrators appointed under this article may administer oaths and examine witnesses for the purpose of determining the value of animals to be appraised under this article.

SEC. 103. *Certificate of appraisal.*—The appraiser shall execute and deliver to the owner of a condemned animal or his legal representative a certificate stating the value thereof. If such value was determined by arbitrators, there shall be attached to such certificate a statement of the value so determined, signed by at least two of the arbitrators. The form of such certificate shall be prescribed by the commissioner.

SEC. 104. *Destruction of animals; disposition of carcasses.*—The commissioner may prescribe rules for the destruction of animals affected with infectious or communicable disease, and for the proper disposal of their hides and carcasses and all objects which might carry infection or contagion. Whenever in his judgment necessary [sic] for the more speedy and economical suppression or prevention of the spread of any such disease he may cause to be slaughtered and afterwards disposed of, in such manner as he may deem expedient, any animal or animals which by contact or association with diseased animals or other exposure to infection or contagion may be considered or suspected to be liable to contract or communicate the disease sought to be suppressed or prevented. The commissioner may seize and cause to be destroyed a carcass or any portion thereof affected with any communicable disease.

SEC. 105. *Post-mortem examination of animals.*—The carcass of every animal duly condemned and killed under the provisions of this article shall be examined by a veterinarian or physician designated by the commissioner for the purpose of determining whether or not disease existed in such animal. Such post-mortem examination shall be under rules prescribed by the commissioner and the report thereof shall show conditions found upon such examination duly verified by the person making such examination. Such report shall be filed with the commissioner of agriculture and a copy thereof shall be sent or delivered to the owner or person in charge of the animals so examined.

SEC. 106. *Payments for animals killed.*—The certificate of appraisal and the statement of the result of the post-mortem examination shall be presented by the owner, or his legal representative, or assigns, to the commissioner, who shall issue his order for the amount due, as shown by such certificate and statement after he has found them to be correct, which amount shall be paid by the State treasurer on the warrant of the comptroller out of moneys appropriated therefor. The owner of animals condemned, taken over by the State or slaughtered as provided for herein, shall also be entitled to and shall be paid interest on the amount due as shown by said certificate as herein provided for after 30 days from the time such animals are ordered so taken or slaughtered by the commissioner.

SEC. 107. *Compensation of owners of animals killed or appropriated by the State.*—The following provisions shall govern the payment of indemnity to owners of animals killed or appropriated by the State under the provisions of this article:

1. The value of an animal shall be taken to be the appraised value thereof except that for the purposes of subdivisions 2, 3, 4, and 5 of this section such value shall in no case exceed the sum of \$125 for a registered pure-bred bovine animal or for a pure-bred bovine animal eligible to registry for which application has been duly and properly made for registration prior to the appraisal, and for any other bovine animal shall not exceed the sum of \$75

nor shall it exceed \$125 for any equine animal. This provision shall apply to all claims which have not been liquidated at the time of the passage of this act as well as to all claims which shall hereafter accrue.

2. If upon post-mortem examination an animal is found not to have the disease for which killed or any dangerously infectious or communicable disease, the owner shall be allowed the value of such animal at the time of killing, unless such animal was killed on account of violation of quarantine regulations, as provided in this article.

3. If an equine animal be found upon post-mortem examination to have been suffering from glanders not manifest by physical symptoms, the owner thereof shall be paid therefor 90 per cent of its value. If the animal has glanders showing physical symptoms, the owner thereof shall be paid therefor 25 per cent of its value.

4. If a bovine animal be found upon post-mortem examination to have been suffering from localized tuberculosis, or if such animal be taken over by the State as provided by this article, the owner thereof shall be paid 90 per cent of its value. If a bovine animal be found upon such examination to have had generalized tuberculosis, the owner thereof shall be paid 25 per cent of its value.

5. No animal killed or taken under the provisions of this article shall be paid for as herein provided unless, if a bovine, it shall have been within the State of New York for at least 6 months, and if an equine for at least 12 months.

6. The commissioner is hereby authorized to make rules in reference to the official inspection of the carcasses of animals so killed, and to provide for the suitable marking or branding of carcasses passed or condemned. The commissioner may make such rules as he deems necessary or expedient for the proper disposal of carcasses or parts thereof. If the meat of a slaughtered bovine animal shall be passed for use as food under official regulations, the same and all other parts of the animal shall be and remain the property of the owner of the slaughtered animal. In all other cases, the carcass and all parts of the animal, or the net proceeds of the sale thereof, shall be and remain the property of the owner of the slaughtered animal in addition to the indemnity provided herein: *Provided, however,* That in neither case shall the total amount received by the owner of the animal from the proceeds of the carcass and parts thereof and the indemnity by the State in the aggregate exceed the appraised value of the animal at the time of slaughter. If the proceeds of such sale and such indemnity do exceed the appraised value of the animal at the time of slaughter, then the indemnity paid shall only equal the difference between such proceeds or value of the parts and carcass thereof and the appraised value of such animal at the time of slaughter. The carcass, and all parts of such animal, shall be disposed of under rules or regulations made by the commissioner of agriculture.

7. For every day the owner or custodian of diseased animals is obliged to keep them in excess of 10 days from the date ordered killed or taken by the commissioner, he shall be allowed and paid the sum of 25 cents per day per head.

8. No indemnity shall be paid to any person who shall have willfully concealed the existence of disease among his animals or upon his premises, or who in any way by act or by willful neglect has contributed to spread the disease sought to be suppressed or prevented, or who shall have willfully neglected to take necessary precaution or obey instructions given him by the commissioner or neglected to assist in the control or eradication of any infectious or communicable disease among his animals.

9. Except as herein provided no indemnity shall be paid for any animal which upon post-mortem examination is found to have the disease on account of which it was killed, or any dangerously infectious or communicable disease that would warrant the destruction of such animal.

10. If the disease known as aphthous fever be found to exist within this State and the commissioner deems it necessary to properly control, suppress, or eradicate such disease to order the slaughter of domestic animals or the destruction of other property or both, the owner of animals so slaughtered or property so destroyed shall receive indemnity in the manner following: The amount to be paid for each bovine animal so destroyed shall be fixed in the same manner as provided for in this section, but shall not exceed the sum of \$200 for any one bovine animal so taken. The value of animals so destroyed and the amount due owners as provided herein, less the amounts paid or to be paid by the Federal Government, shall be paid upon the audit and warrant of the comptroller to owners entitled thereto in the same manner as provided in section 106 of this article.

SEC. 108. *Disposition and use of tuberculin and mallein.*—The commissioner is hereby authorized to make such rules and promulgate such orders for the proper control, use, or distribution of tuberculin or mallein as he may deem necessary. The following general provisions shall govern the disposition and use of tuberculin and mallein within the State.

1. All tuberculin or mallein sold, given away, or used shall bear a label stating the name and address of the manufacturer, the degree of strength and dosage recommended, and the date of its preparation.

2. All tuberculin or mallein sold or given away for use in testing bovine or equine animals shall be reported, in writing, to the commissioner within one week after such sale or gift is made. Such report shall be signed by the person making the gift or sale and shall state the name and address of the person to whom such tuberculin or mallein has been sold or given, and the amount supplied.

3. Any person, firm, corporation, or institution bringing or causing tuberculin or mallein or a biological product containing living pathogenic organisms to be brought into the State to be used therein in the treatment of or administration to domestic animals shall, within one week thereafter, make a report thereof to the commissioner stating the manufacturer thereof, the quantity so brought in, and giving such other information in relation thereto as the commissioner may request.

4. The commissioner shall print, in appropriate form, blanks for making and keeping records of such tests and other necessary data for the purposes of this article.

5. Any person using tuberculin or mallein in testing animals shall keep a correct record thereof, and, if requested by the commissioner, any person, firm, or corporation making such tests shall within one week thereafter report to the commissioner giving a detailed account of the tests thus made, including the description of the animals, the location of the farm or farms upon which tests were made, and the name and address of the owner of custodian. If the commissioner desires to cause a physical examination to be made of any animal so tested, or a bacteriological examination of its milk to be made, the owner or custodian of any such animal that has reacted shall indicate to the commissioner, or to the person designated by him, any animal that shall have been subjected to any such test and give such information as the commissioner may direct with reference thereto, or of previous tests of such animal and such other information relating thereto as the commissioner may require.

6. If such tests be made by a nonresident of the State, the owner or custodian of the animals thus tested shall make such report to the commissioner as he may require.

7. No person shall knowingly inject into any bovine or equine animal as or for tuberculin or mallein any substance which is not tuberculin or mallein.

8. No person shall treat, except by consent of the commissioner for experimental purposes, any bovine or equine animal with any material or substance, or in any manner, for the purpose or with the effect of preventing a normal reaction on the part of such animal to the tuberculin or mallein test.

9. No person shall give a certificate or statement showing or tending to show that an animal has been tested or examined and found not affected with tuberculosis or glanders or other communicable disease unless the character of such test or examination is stated, and was made in a proper way, and that upon such test or examination such animal failed to give any evidence of such disease.

SEC. 109. *Violations of rabies quarantines; release and impounding of dogs.*—If the commissioner shall quarantine any particular districts or territory for the purpose of stopping or preventing the spread of the disease known as rabies, and if any dog be found within the said quarantine district in violation of said quarantine or regulation, any person may catch or cause to be caught such dog and have him impounded or confined. If such dog is thereafter not found to be affected with the disease known as rabies and satisfactory proof of such fact is presented to the commissioner of agriculture he may release the said dog to the owner thereof upon due application therefor. Upon receipt of such release the owner of such dog shall pay a penalty of \$10 to the treasurer or chief officer of the city, if such district be located wholly within a city, and otherwise to the treasurer of the county in which such dog is impounded. Upon due proof of such payment the owner thereof shall be entitled to the possession of such dog. If application for such release be not made to the commissioner with [sic] three days after such dog is found not to be affected, or if such penalty be not paid by the owner within three days after the receipt of such release, or if it is found impracticable after reasonable effort to catch and impound such dog which is within said quarantine district in violation of such quarantine or regulation, then any person may kill or cause to be killed such dog, and shall not be held liable for damages for such killing.

SEC. 112. *Assistance of local officers in enforcing article.*—The commissioner may call upon the sheriff, undersheriff, or deputy sheriff in a county to carry out and enforce the provisions of any notice, order, or regulation which it [sic] may make pursuant to this article, and every such officer shall obey every order and instruction received from him in the premises. The expense incurred by any such officer in carrying out and enforcing the provisions of such notice, order, or regulation shall be a State charge, to be audited by the commissioner of agriculture and paid by the State treasurer on the warrant of the comptroller in the same manner as other State charges are paid, notwithstanding the provisions of any local or special act fixing or limiting the compensation or expenses payable by the county to its sheriff, undersheriff, or a deputy sheriff. If a city or part thereof be included in any notice, order, rule, or regulation of the commissioner made under this article, the commissioner may call upon the commissioner of public safety or the police department of such city to enforce the same within the city or portion thereof affected; and the commissioner of public safety or police department shall obey every order or

instruction so made or issued; and the expenses incurred therefor shall be a State charge.

SEC. 113. Commissioner and employees are peace officers.—For the purpose of enforcing the provisions of this article, the commissioner, deputy commissioners, and other officers and employees of the department shall be deemed peace officers and have all the rights and powers of peace officers.

SEC. 114. Fines and penalties.—Any person violating, disobeying, or disregarding the terms of any notice, rule, order, or regulation issued or prescribed by the commissioner of agriculture or by any person duly authorized by the commissioner under this article shall forfeit to the people of the State the sum of not less than \$50 nor more than \$100 for every such violation. Any person violating any of the provisions of this article, or disobeying or disregarding the terms of any notice, rule, order, or regulation issued or prescribed by the commissioner, or by any person duly authorized by the commissioner under this article, shall be guilty of a misdemeanor and shall be fined not less than \$50 or more than \$100 for each separate offense or by imprisonment of not less than one month nor more than six months, or by both such fine and imprisonment; except that in the case of rabies he shall be fined not less than \$10 nor more than \$100 for each offense or by imprisonment of not less than one month nor more than six months, or by both such fine and imprisonment. Any veterinarian violating any of the provisions of section 108 of this article, in addition to the penalties and fines prescribed in this article, shall forfeit his certificate to practice and thereafter be debarred from practicing his profession within the State of New York until such disability is legally removed. The penalties and fines provided in this article shall apply to violations of section 110 of this article, except that the minimum penalty for violations of such section shall be for the first violation \$5 for each calf, and for the second violation \$10 for each calf, and the minimum fine for first offense shall be \$5, and for second offense \$10.

Cows—Tuberculin Tests and Physical Examinations—By Whom Made. (Reg. Dept. of H., Nov. 18, 1919.)

Regulation 13 of chapter 3 of the Sanitary Code of the State of New York is hereby amended by inserting therein after the paragraph headed "Grade C pasteurized" a new paragraph to read as follows:

All tuberculin tests and physical examinations of cows herein provided for shall be made by a licensed veterinarian approved by the State department of agriculture.

Tenement Houses—Water-Closets. (Ch. 447, Act May 5, 1919.)

SEC. 14. Section 93 of such chapter [ch. 99 of the laws of 1909], as amended by chapter 454 of the laws of 1912, is hereby amended to read as follows:

SEC. 93. Water-closet accommodations.—In every tenement house hereafter erected there shall be a separate water-closet in a separate compartment within each apartment. In three-family converted dwellings a water-closet in the basement or on the floor above the basement shall be deemed to be within the apartment, of which such floor forms an integral part. Every water-closet and bath hereafter placed in any tenement house shall be placed in a compartment completely separated from every other water-closet and bath; such compartment shall be not less than 2 feet and 4 inches wide, and shall be inclosed with plastered partitions, which shall extend to the ceiling. In tenement houses erected after April 10, 1901, such compartment shall have a window opening

directly upon the street or yard, or upon a court of the dimensions specified in this chapter, except as otherwise provided in section 79. In tenement houses erected prior to April 10, 1901, such compartment shall have a window opening directly upon the street, or upon a yard not less than 4 feet deep, or upon a court or shaft of not less than 25 square feet in area, open to the sky without roof or skylight. Every such window shall be at least 1 foot by 3 feet between stop heads, and the entire window shall be made so as to readily open. When, however, such water-closet compartment is located on the top floor and is lighted and ventilated by a skylight over it, or is located at the bottom of a shaft or court of lawful size, and is lighted and ventilated by a skylight over it at the bottom of such shaft or court, no window shall be necessary, provided the roof of such skylight contains at least 3 square feet of glazed surface and is arranged so as to readily open. Nothing in this section in regard to the separation of water-closet compartments from each other shall apply to a general toilet room containing several water-closets hereafter placed in a tenement house, provided such water-closets are supplemental to the water-closet accommodations required by law for the use of the tenants of the said house. Nothing in this section in regard to the ventilation of water-closet compartments shall apply to a water-closet hereafter placed in a tenement house where it is provided to replace a defective fixture in the same position and location. No water-closet shall be maintained in the cellar of any tenement house without a special permit in writing from the department charged with the enforcement of this chapter, which shall have power to make rules and regulations governing the maintenance of such closets. Every water-closet compartment hereafter placed in any tenement house shall be provided with proper means of lighting the same at night. If fixtures for gas or electricity are not provided in said compartment, then the door of said compartment shall be provided with translucent glass panels or with a translucent glass transom not less in area than 4 square feet. The floor of every such water-closet compartment shall be made waterproof with asphalt, tile, stone, or some other waterproof material; and such waterproofing shall extend at least 6 inches above the floor so that the said floor can be washed or flushed out without leaking. No drip trays shall be permitted. No water-closet fixtures shall be inclosed with any woodwork.

Births and Deaths—Registration—Registration Districts—Qualifications and Appointment of Local Registrars—Fees of Local Registrars, Physicians, and Midwives. (Ch. 213, Act Apr. 14, 1919.)

SECTION 1. Section 372 of chapter 49 of the laws of 1909, entitled "An act in relation to the public health, constituting chapter 45 of the consolidated laws," as amended by chapter 321¹⁰ of the laws of 1917, is hereby amended so as to read as follows:

SEC. 372. *Registration districts.*—The State shall be divided into registration districts, as follows: Each city, each incorporated village, each town, and each State hospital, charitable or penal institution shall constitute a primary registration district: *Provided*, That the State commissioner of health may combine two or more primary registration districts or divide one registration district into two or more primary districts to facilitate registration. When a district is divided into two or more primary registration districts, the appointment of a registrar for each shall be made by the same appointing authority which has a jurisdiction over the original district, except in the instance of a State hospital, charitable, or penal institution, the registrar for which shall be the superin-

¹⁰ Supplement No. 37 to the Pub. Health Repts., p. 340.

tendent or person in charge as provided in section 373 of this chapter. When two or more primary districts are combined, the registrar for such combined district shall be appointed at a joint session of the authorities which heretofore made the appointments of registrars of the original districts.

Remuneration and expenses of the registrars of districts which have been divided into two or more primary registration districts shall be paid by the municipality comprising the original district, except that the registrar of a State hospital, charitable, or penal institution shall receive no additional remuneration for acting as registrar.

Remuneration and expenses of registrars of combined districts shall be paid by the municipalities comprising such districts in proportion as each would be required to compensate a separate registrar for its own district, except that when such combined districts coincide with a consolidated health district the remuneration and expenses of the registrar shall be paid by the consolidated health board of such district as provided by section 20 of chapter 3 of the public health law.

SEC. 2. Section 373 of said chapter, as amended by chapter 321 of the laws of 1917, is hereby amended so as to read as follows:

SEC. 373. *Registrar of vital statistics.*—In each primary registration district there shall be a registrar of vital statistics. Qualifications of registrars of vital statistics hereafter appointed shall be prescribed by the public health council, and no licensed undertaker or licensed embalmer, and no person employed in the business of embalming or undertaking, shall be eligible for appointment as a registrar of vital statistics, deputy registrar, or subregistrar. A local health officer shall be eligible for appointment as registrar of vital statistics and if so appointed and if receiving a salary equivalent to not less than 15 cents per year per inhabitant of such registration district, he shall serve as registrar of vital statistics without additional remuneration therefor. In towns and villages the registrar or registrars of vital statistics shall be appointed by the town board and by the village board of trustees, respectively; in the cities, unless otherwise provided by the charter, the registrar or registrars of vital statistics shall be appointed by the mayor. In each primary registration district consisting of a State hospital, charitable or penal institution, the registrar shall be the superintendent or person in charge of such institution: *Provided, however,* That he shall receive no additional remuneration for acting as such registrar. The term of office of a registrar of vital statistics, unless the charter of the city or village shall provide otherwise, shall be four years. Each registrar of vital statistics shall hold office until his successor shall have been appointed and shall have qualified. Any registrar of vital statistics who in the judgment of the State commissioner of health fails or neglects to discharge efficiently the duties of his office as set forth in this article, or to make prompt and complete return of births and deaths as required thereby, shall be forthwith removed by the State commissioner of health, and such other penalties may be imposed as are provided by this article. Each registrar of vital statistics shall immediately upon his acceptance of appointment as such, appoint a deputy whose duty it shall be to act in his stead in case of his absence or inability, and such deputy shall in writing accept such appointment and be subject to all rules and regulations governing registrars. When it appears necessary for the convenience of the people in any rural district, the registrar is authorized, with the approval of the State commissioner of health, to appoint one or more suitable persons to act as subregistrars, who shall be authorized to receive birth and death certificates and to issue burial or removal permits in and for such portions of the district as may be designated, and each such subregistrar shall note on each certificate

over his signature the date of filing and shall forward all certificates to the local registrar of the district within three days, and in all cases before the third day of the following month: *Provided, however,* That each subregistrar shall be subject to the supervision and control of the State commissioner of health and may be by him removed for neglect or failure to perform his duty in accordance with the provisions of this act or the regulations of the public health council, and shall be subject to the same penalties for neglect of duty as the local registrar.

SEC. 3. Section 389 of said chapter, as added by chapter 619¹¹ of the laws of 1913, is hereby amended so as to read as follows:

SEC. 389. *District records to be kept by registrar.*—Each registrar shall supply blank forms of certificates to such persons as require them. Each registrar shall carefully examine each certificate of birth or death when presented for record in order to ascertain whether or not it has been made out in accordance with the provisions of this act and the instructions of the State commissioner of health; and if any certificate of death is incomplete or unsatisfactory, it shall be his duty to call attention to the defects in the return and to withhold the burial or removal permit until such defects are corrected. All certificates, either of birth or death, shall be written legibly, in durable black ink, and no certificate shall be held to be complete and correct that does not supply all of the items of information called for therein, or satisfactorily account for their omission. If the certificate of death is properly executed and complete, he shall then issue a burial or removal permit to the undertaker: *Provided,* That in case the death occurred from some disease which is held by the public health council to be infectious, contagious, or communicable and dangerous to the public health, no permit for the removal or other disposition of the body shall be issued by the registrar, except to an undertaker licensed under section 295 of the public health law, under such conditions as may be prescribed by the State public health council. If a certificate of birth is incomplete, the local registrar shall immediately notify the informant, and require him to supply the missing items of information if they can be obtained. He shall number consecutively the certificates of birth and death, in two separate series, beginning with the number one for the first birth and the first death in each calendar year, and sign his name as registrar in attest of the date of filing in his office. He shall also make a complete and accurate copy of each birth and each death certificate registered by him in a record book supplied by the State commissioner of health, to be preserved permanently in his office as the local record, in such manner as directed by the commissioner of health. Within 10 days after receiving the certificate of any birth he shall mail to the parents or guardian of the child a certificate of registration, to be made out on a form which shall be furnished by the State commissioner of health; except that the issuance of such certificate of registration may be postponed until the child's given name is also registered; and such certificate of registration shall be accepted by public authorities in this State for the purposes indicated in section 388 of this chapter in the same manner as certified copies of birth certificates; he shall also make a notation on his copy of the original birth certificate indicating the date of issuance of such certificate of registration. He shall, on the 5th day of each month, transmit to the State commissioner of health all original certificates registered by him for the preceding month. If no births or no deaths occurred in any month, he shall, on the 5th day of the following month, report that fact to the State commissioner of health on a card provided for such purpose.

¹¹ Pub. Health Repts. Reprint 264, p. 326.

SEC. 4. Section 390 of said chapter, as added by chapter 619 of the laws of 1913, and as last amended by chapter 111¹² of the laws of 1917, is hereby amended so as to read as follows:

SEC. 390. *Fees of registrar for the prompt and correct return and filing of birth and death certificates.*—Except as hereinbefore otherwise provided each registrar and each physician and each midwife shall be paid the sum of 25 cents for each birth certificate properly and completely made out and registered and each death certificate properly and completely made out in accordance with the international list of causes of death and returned and filed with the registrar and correctly recorded and promptly returned by him to the State commissioner of health, as required by this article. And in case no births or no deaths were registered during any month, the local registrar shall report to that effect. Each local registrar shall be paid the sum of \$2 for a monthly report to be transmitted on the 5th day of the following month to the State commissioner of health on such form as may be provided or required by the commissioner. All amounts payable to the local registrar under the provisions of this article shall be paid by the municipality comprising the registration district, upon certification by the State commissioner of health and all amounts payable to physicians shall be certified to by the local registrar annually and paid to said physicians by said municipality. The State commissioner of health shall annually certify to the municipality the number of births and deaths properly registered, with the name of the local registrar and the amount due him at the rate fixed herein. In addition thereto the local registrar shall be paid a fee of 25 cents for each burial, removal, or transit permit issued by him.

Boarding Homes for Children or Day Nurseries—Licensing—Inspection—Appointment and Duties of Day Nursery Physician. (Reg. Dept. of H., Nov. 18, 1919.)

Regulation 1 of chapter 8¹³ of the Sanitary Code of the State of New York is hereby amended to read as follows:

REGULATION 1. No license shall be issued by the board of health of any city or town under the provisions of section 482 of the penal law to any person to receive, board, or keep any nursing children or any children under the age of 12 years not his relatives, apprentices, pupils, or wards, without legal commitment, or to maintain a day nursery, unless the health officer or person performing the duties of health officer of such city or town shall have made an inspection of the premises proposed to be occupied by such children, and shall have filed a written report thereon with the local board of health. Such inspection shall include an examination of each room proposed to be occupied by such child or children and of the sanitary condition of the premises.

Regulation 3 of chapter 8 is hereby amended to read as follows:

REG. 3. Every such license issued by the board of health of any city or town shall be on a form to be prescribed by the State commissioner of health. Every such license shall expire on the 31st day of May after its issue, and may be renewed after a reinspection of the premises by the local health officer and a written report thereon to the local board of health. The licensee shall comply with such special rules and regulations as may be promulgated from time to time by the State department of health. Any such license may be revoked at any time by the State commissioner of health or by the board of health issuing the same.

¹² Supplement No. 37 to the Pub. Health Repts., p. 341.

¹³ Supplement No. 37 to the Pub. Health Repts., p. 351.

Chapter 8 is hereby further amended by adding thereto a new regulation to be known as regulation 3a, to take effect January 1, 1920, and to read as follows:

REG. 3a. Every day nursery shall have attached thereto a physician of its selection, duly licensed under the laws of the State and in good professional standing, and immediately upon the appointment of such physician the day nursery shall notify the local health officer and the State department of health of the name and address of such physician. Such physician shall perform such duties as may be prescribed by the State department of health or by the authorities of such nursery, and shall make a physical examination of each child before admission, and make a systematic semimonthly examination of every child regularly attending.

Children—Employment in Certain Industries Prohibited. Wash Rooms and Water-closets for Employees. (Ch. 544, Act May 10, 1919.)

SEC. 2. Subdivision 2 of section 93 of such chapter [ch. 36 of the laws of 1909] as last amended by chapter 464 of the laws of 1913, is hereby amended to read as follows:

2. No child under the age of 16 years shall be employed or permitted to work * * * in any capacity in preparing any composition in which dangerous or poisonous acids are used; or in the manufacture or packing of paints, dry colors, or red or white lead; or dipping or dyeing matches; or in the manufacture, packing, or storing of powder, dynamite, nitroglycerine, compounds, fuses, or other explosives; * * * No male child under the age of 18 years, nor any female, shall be employed in any factory in this State in operating or in using any emery, tripoli, rouge, corundum, stone, carborundum, or any abrasive, or emery polishing or buffing wheel, where articles of the baser metals or of iridium are manufactured.

SEC. 3. Such chapter is hereby amended by inserting therein, after article 12, a new article, to be article 12a, to read as follows:

ARTICLE 12A. EMPLOYMENT IN ELEVATORS.

* * * * *

SEC. 180. *Wash rooms, washing facilities, and water-closets.*—There shall be provided and maintained for the use of all employees, whether men, women, or children, adequate and convenient wash rooms or washing facilities and a sufficient number of suitable and convenient water-closets. Where the elevator is used in or in connection with a factory or mercantile establishment, the provisions of sections 88, 88a, 168c, and 168e shall apply to wash rooms, washing facilities, and water-closets for employees mentioned in this section; and where the elevator is used in any other building or place, the provision of such sections 168c and 168e shall apply to wash rooms, washing facilities, and water-closets for employees engaged in caring for, having the custody or management of, or operating an elevator in such building or place. For the purpose of so applying the sections last referred to, the term "mercantile establishment" as therein used shall be deemed to mean and include a building in which the elevator is located or with which it connects. Where wash rooms, washing facilities, and water-closets, not required by this chapter before this article takes effect, shall not have been heretofore provided, the time for installing and providing the same shall be fixed by the commission; but such time shall not be earlier than September 1, 1919, nor later than January 1, 1920.

* * * * *

Barber Shops—Required to be kept in a Sanitary Condition. Barbers—Required to be Free from Communicable Disease. (Reg. Dept. of H., Feb. 11, 1919.)

Regulation 4¹⁴ of chapter 7 of the Sanitary Code of the State of New York is hereby amended to read as follows:

REG. 4. Barbers and barber shops.—Every barber or other person in charge of any barber shop shall keep such barber shop at all times in a clean and sanitary condition.

No person shall act as a barber who is affected with syphilis in the infective stage or with any other communicable disease enumerated in this code, in an acute form, or with any communicable affection of the skin.

Shaving Brushes—Treatment to Destroy Anthrax Germs Required. (Reg. Dept. of H., Feb. 11, 1919.)

Regulation 6a of chapter 7 is hereby added to the Sanitary Code of the State of New York to read as follows:

REG. 6a. Shaving or lather brushes.—No shaving or lather brush shall be manufactured, offered for sale, or used unless the hair or bristles thereof shall have been so treated for the purpose of destroying anthrax germs as to conform with the regulations of the State commissioner of health.

"Municipality" Defined. (Reg. Dept. of H., May 27, 1919.)

Subdivision 2¹ of regulation 1 of chapter 1 of the Sanitary Code of the State of New York is hereby amended to read as follows:

(2) The term "municipality" means and includes a city, town, village, or consolidated health district or any subdivision or part of the State of New York lawfully established as a separate public health unit.

¹⁴ Pub. Health Repts. Reprint 338, p. 400.

¹ Pub. Health Repts. Reprint 279, p. 111.

NORTH CAROLINA.

Venereal Diseases—Reports of Cases—Unlawful for Infected Person to Expose Others to Infection—Examination of Persons Suspected of Being Infected—Treatment—Isolation or Quarantine—Repression of Prostitution—Examination and Treatment of Prisoners—Powers and Duties of State Board of Health. (Ch. 206, Act Mar. 10, 1919.)

SECTION 1. That syphilis, gonorrhea, and chancroid hereinafter designated as venereal diseases are hereby declared to be contagious, infectious, communicable, and dangerous to the public health. It shall be unlawful for anyone infected with these diseases or any of them to expose another person to infection.

SEC. 2. Any physician or other person who makes a diagnosis in or treats a case of venereal disease, and any superintendent or manager of a hospital, dispensary, or charitable or penal institution in which there is a case of venereal disease, shall make a report of such case to the health authorities according to such form and manner as the North Carolina State Board of Health shall direct.

SEC. 3. State, county, and municipal health officers, or their authorized deputies, within their respective jurisdictions are hereby directed and empowered, when in their judgment it is necessary to protect the public health, to make examinations of persons reasonably suspected of being infected with venereal disease, and to detain such persons until the results of such examinations are known; to require persons infected with venereal disease to report for treatment to a reputable physician and continue treatment until cured or to submit to treatment provided at public expense until cured, and also, when in their judgment it is necessary to protect the public health, to isolate or quarantine persons infected with venereal disease. It shall be the duty of all local and State health officers to investigate sources of infection of venereal disease, to cooperate with the proper officials whose duty it is to enforce laws directed against prostitution, and otherwise to use every proper means for the repression of prostitution.

SEC. 4. All persons who shall be confined or imprisoned in any State, county, or city prison in the State shall be examined for and, if infected, treated for venereal diseases by the health authorities or their deputies. The prison authorities of any State, county, or city prison are directed to make available to the health authorities such portion of any State, county, or city prison as may be necessary for a clinic or hospital wherein all persons who may be confined or imprisoned in any such prison and who are infected with venereal disease, and all such persons who are suffering with venereal disease at the time of the expiration of their terms of imprisonment, and, in case no other suitable place for isolation or quarantine is available, such other persons as may be isolated or quarantined under the provisions of section 3, shall be isolated and treated at public expense until cured, or in lieu of such isolation any of such persons may, in the discretion of the North Carolina State Board of Health, be required to report for treatment to a licensed physician, or submit to treatment provided at public expense as provided in section 3. Nothing herein contained shall be construed to interfere with the service of any sentence imposed by a court as a punishment for the commission of crime.

SEC. 5. The North Carolina State Board of Health is hereby empowered and directed to make such rules and regulations as shall in its judgment be necessary for the carrying out of the provisions of this act, including rules and regulations providing for the control and treatment of persons isolated or quarantined under the provisions of section 3, and such other rules and regulations, not in conflict with provisions of this act, concerning the control of venereal diseases, and concerning the care, treatment, and quarantine of persons infected therewith, as it may from time to time deem advisable. All such rules and regulations so made shall be of force and binding upon all county and municipal health officers and other persons affected by this act, and shall have the force and effect of law.

SEC. 6. The North Carolina State Board of Health, through its officers, are hereby empowered and authorized to incur such expenses in the examination, detention, quarantine, and treatment of persons suspected of having, or having, venereal diseases as in their judgment is necessary.

SEC. 7. The North Carolina State Board of Health shall submit to the county commissioners of the county in which persons suspected of having, or having, venereal diseases are suspected of having spread the disease an itemized statement of expenses incurred in the examination, detention, quarantine, or treatment of such persons, and the county commissioner shall, within 30 days after the receipt of such statement of expenses, pay to the treasurer of the North Carolina State Board of Health a sum equal to that expended.

SEC. 8. Any person who shall violate any of the provisions of this act or any lawful rule or regulation made by the North Carolina State Board of Health pursuant to the authority herein granted, or who shall fail or refuse to obey any lawful order issued by any State, county, or municipal health officer, pursuant to the authority granted in this act, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than \$25 nor more than \$50, or by imprisonment for not more than 30 days.

Venereal Diseases—Prescribing, Dispensing, and Sale of Medicine—Reports to State Board of Health—Examination of Certain Persons. (Ch. 214, Act Mar. 10, 1919.)

SECTION 1. That it shall be unlawful for any person except a regularly licensed physician to prescribe or give away any medicine for the treatment of any person afflicted with any venereal disease.

SEC. 2. That any druggist or other person who sells at retail any patented, proprietary, or trade-mark remedy or alleged remedy advertised or recommended or sold for or used in the treatment of venereal diseases (gonorrhea, syphilis, or chancroid) or lost manhood, impotency, or sterility, or medicinal preparations containing the oils of cubebs, copaiba, sandalwood, or the oils themselves, iodides of mercury, or preparations compounded for urethral injections, shall report weekly, on forms and in accordance with instructions supplied by the North Carolina State Board of Health, the sale of such remedies, or alleged remedies, to the bureau of venereal diseases of the North Carolina State Board of Health.

SEC. 3. Any person who in obtaining a prescription from a physician under section 1 of this act, or in obtaining drugs or remedies mentioned in section 2 of this act, gives a false or assumed name or address, shall be guilty of a misdemeanor and subject to the penalties imposed in section 8 of this act.

SEC. 4. For the convenience of the public, a quarantine officer, either municipal or county, shall appoint, on the official request of the North Carolina State Board of Health, from the regularly registered physicians of the county one

or more agents to issue prescriptions for drugs or remedies necessary for treatment of such diseases.

SEC. 5. A quarantine officer or agent of a quarantine officer who issues a prescription for any such drug, remedy, or alleged remedy, and who instructs a person infected with venereal disease as required by the State laws and reports by number but without identification as now prescribed for reports by physicians for such diseases to the North Carolina State Board of Health shall be entitled to a fee of 50 cents, 25 cents of which shall be paid by the bureau of venereal diseases of the North Carolina State Board of Health and 25 cents of which shall be paid by the county commissioners of the county in which the quarantine officer has jurisdiction on a certification of the bureau of venereal diseases of the North Carolina State Board of Health of the number of prescriptions issued by the quarantine officer or the quarantine officer's agent: *Provided, however,* That the municipal authorities shall pay the above amount for prescriptions issued by a municipal quarantine officer or his agent: *And provided further,* That a quarantine officer shall not be entitled to any pay from either county or city for issuing prescriptions to persons who pay the quarantine officer in part or in full for the issuance of prescriptions: *And provided further,* That several prescriptions issued on a single visit of the infected person to the quarantine officer shall entitle the said officer to not more than the fee for a single prescription.

SEC. 6. Any and all prescriptions for venereal diseases (gonorrhea, syphilis, or chancroid), or impotency, sterility, or lost manhood, or prescriptions containing the drugs, remedies, or alleged remedies, mentioned in section 2 of this act shall be kept by a druggist on a separate file and shall be subject at any reasonable hour to inspection by an officer of the North Carolina State Board of Health.

SEC. 7. The State health officer or his deputy or agent may require any purchaser of remedies or alleged remedies designated in section 2 of this act and who may be reasonably supposed to be infected with a venereal disease to appear before a regularly licensed physician, quarantine officer, or agent for an examination for the said disease.

SEC. 8. Any person violating any of the provisions of this act shall be guilty of a misdemeanor and shall be fined not less than \$10 nor more than \$50, or imprisoned for not exceeding 30 days.

Prostitution or Assignment—Examination and Treatment for Venereal Diseases of Persons Convicted of. (Ch. 215, Act Mar. 10, 1919.)

SEC. 5. * * *

(c) That probation or parole shall be granted or ordered in the case of a person infected with venereal disease only on such terms and conditions as shall insure medical treatment therefor and prevent the spread thereof, and the court may order any convicted defendant to be examined for venereal disease.

County Tuberculosis Hospitals—Special Tax for Maintenance—Erection and Maintenance of Buildings at State Sanatorium Instead of in the County. (Ch. 159, Act Mar. 7, 1919.)

SECTION 1. That section 2, chapter 99,¹ of the public laws of 1917 be amended by adding at the end thereof the following words: "*Provided, That the question of levying said special tax shall be submitted to the qualified voters of said county at an election to be held as hereinbefore provided.*"

¹ Supplement No. 37 to the Pub. Health Repts., p. 364.

SEC. 2. That section 3 of said chapter be amended by adding at the end thereof the following: "and the said county commissioners shall, if they propose to levy the tax for a maintenance fund as hereinbefore provided, also cause to be placed at each voting precinct in the county a ballot box marked 'Maintenance of county tuberculosis hospital' and cause to be printed and distributed official ballots labeled 'For maintenance of county tuberculosis hospital' and official ballots labeled 'Against maintenance of county tuberculosis hospital,' said election to be held as hereinbefore provided."

SEC. 3. That section 6 of said chapter be amended by adding at the end thereof the following: "*Provided*, That the county commissioners of any county may, instead of erecting the said institution in the county where the said vote is taken, use a part or all of said funds in erecting and maintaining a building or buildings at the State sanatorium at Montrose, or the said county commissioners may in their discretion erect and maintain a tuberculosis hospital in the county where the bonds are issued, and may also use part of the funds to erect and maintain a building or buildings at Montrose as they may deem best: *Provided, however*, That before erecting any building or buildings at Montrose the said county commissioners shall make due arrangements and enter into the necessary contract or contracts with the board having charge of the State sanatorium at Montrose. And the said board having in charge the State sanatorium at Montrose is hereby authorized and empowered to make contracts with any county in the State, specifying the terms upon which said building or buildings may be erected and making such arrangements as it may deem wise for the maintenance of such buildings and the care and support of such county patients: *Provided further*, That in case the county commissioners of any county or the people of any county do not decide to issue bonds for the erection of such hospital, but do decide to levy the special tax hereinbefore provided for, or the county commissioners of any county wish to use the necessary funds from the general fund of the county, they may in either case make arrangements with the board having in charge the State sanatorium at Montrose for the maintenance and care of tuberculosis patients of such county."

Soft Drinks—Manufacture. (Ch. 221, Act Mar. 10, 1919.)

SECTION 1. That every building or room used for the manufacture, bottling, or preparation for sale of any soft drink shall be properly lighted, drained, and ventilated, and shall have floors of some material which can be flushed and washed clean with water. All manufacturing or bottling of soft drinks shall be conducted with due regard for the purity and wholesomeness of the products therein produced.

SEC. 2. That the term "soft drink" as used herein shall include all soda waters, root beers, and similar beverages, carbonated or otherwise, or ingredients used in the preparation of same.

SEC. 3. That the floors, walls, ceilings, furniture, receptacles, implements, and machinery of every establishment where soft drinks are manufactured, bottled, stored, sold, or distributed shall at all times be kept in a clean, sanitary condition; all vessels, receptacles, utensils, tables, shelves, and machinery used in moving, handling, mixing, or processing must be thoroughly cleaned daily; all bottles, jugs, and other containers used must be sterilized with boiling water or live steam before being used, and all secondhand bottles or bottles that have been previously used must be soaked in caustic soda or alkali solution as prescribed by the rules and regulations adopted by the board of agriculture.

SEC. 4. That soft drinks in the process of manufacture, preparation, bottling, storing, or distribution must be protected from flies and dirt, and, as far as may be necessary, from all other foreign or injurious contamination.

SEC. 5. That all refuse, dirt, and the waste products subject to decomposition and decay incident to the manufacture, preparation, storing, selling, or distribution of soft drinks must be removed from the plant daily.

SEC. 6. That the doors, windows, and other openings of every building or room used for the preparation or bottling of soft drinks during fly season shall be fitted with self-closing screen doors and wire window screens of not coarser than 14-mesh wire gauze.

SEC. 7. Every bottling establishment shall be provided with wash room and, if a toilet is attached, it must be of sanitary construction, and such toilet shall be separate and apart from any room used for the manufacture or bottling of soft drinks.

SEC. 8. The use of soap bark, or any other substance deleterious to health in soft drinks is prohibited, and the container must bear the name of the material and the name and address of the manufacturer or jobber.

SEC. 9. The information required on the container of soft drinks may appear either on a paper label pasted on the container or on the crown cap of same.

SEC. 10. That it shall be the duty of the board of agriculture to enforce the provisions of this act, and the said board shall adopt and publish such regulations under this act as will insure the uniform and efficient enforcement of same. The food inspectors of the department of agriculture shall have authority, during business hours, to enter, for the purpose of inspection, all buildings or rooms used for the manufacture, bottling, or handling of soft drinks and to examine the condition of same, including products before and after manufacture, machinery and all implements used; and any person who shall hinder or prevent any inspector in the performance of his duty in connection with this act shall be guilty of a violation of this act.

SEC. 11. That any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not to exceed \$25 for the first offense, and for each subsequent offense in the discretion of the court.

SEC. 12. That, for the purpose of defraying expenses incurred in the enforcement of the provisions of this act, the owner, proprietor, or operator of each bottling plant or place where soft drinks are made or bottled operated in this State shall pay to the commissioner of agriculture an inspection fee of \$10 during the month of June of each year or before any such bottling plant shall be operated thereafter.

[Effective June 1, 1919.]

Land Used for Dairy Purposes or for Grazing Milk Cows—Unlawful Disposal of Refuse or Sewage on Such Land by Adjoining Owners. (Ch. 222, Act Mar. 10, 1919.)

SECTION 1. It shall be unlawful for any person, firm, or corporation owning lands adjoining the lands of any person, firm, or corporation which are or may be used for dairy purposes or for grazing milk cows, to dispose of, or permit disposal of any animal, mineral, chemical, or vegetable refuse, sewage, or other deleterious matter in such way as to pollute the water on the lands so used or which may be used for dairy purposes or for grazing milk cows, or to render unfit or unsafe for use the milk produced from cows feeding upon the grasses and herbage growing on such lands. This act shall not apply to incorporated towns maintaining a sewer system.

SEC. 2. Any one violating the provisions of this act shall be guilty of a misdemeanor and fined not more than \$50 or imprisoned for not more than 30 days, or both, and each day that such pollution is committed or exists shall constitute a separate offense.

Privies—Inspection—License—Construction and Maintenance—Organization and Duties of Bureau of Sanitary Engineering of State Board of Health.
(Ch. 71, Act Feb. 24, 1919.)

SECTION 1. The term "privy" as used in this act shall be understood to include any and all buildings which are not connected with a system of sewerage, or with septic tanks of such construction and maintenance as approved by the North Carolina State Board of Health, and which are used for affording privacy in acts of urination or defecation.

SEC. 2. No person shall maintain or use a residence, located within 300 yards of another residence, that is not provided with sewerage, or with septic tanks approved by the North Carolina State Board of Health, or with a sanitary privy which complies in construction and maintenance with the requirements of this act.

SEC. 3. The North Carolina State Board of Health, through its officers and inspectors, shall fasten a license form on all privies within 300 yards of the residence of any person other than that of the owner or tenant thereof during the last three calendar months of every year, when, on inspection, the said privy is approved by the officer making the inspection as constructed in a sanitary manner and to be in good repair, in accordance with reasonable rules and regulations to be prescribed by the North Carolina State Board of Health for the sanitary construction and maintenance of privies. The said license shall apply to the calendar year following its issuance except as hereinafter provided.

SEC. 4. Every privy located within 300 yards of the residence of any person other than that of the owner or tenant thereof shall be maintained in a sanitary manner and in accordance with reasonable rules and regulations to be prescribed by the North Carolina State Board of Health and posted in suitable form inside of the privy by an officer of the said board.

SEC. 5. The head of a family or household, the proprietor of a boarding house, hotel, restaurant, or store, the principal or superintendent of a school, the agent or station master of a railroad station or depot, or the person in charge of an office building, establishment, or institution, shall be responsible for the sanitary maintenance, as prescribed in section 4 of this act, of such privy or privies as may be used by his or her household, guests, customers, pupils, passengers, occupants, employees, workers, or other persons.

SEC. 6. The North Carolina State Board of Health, through its officers and inspectors, shall exercise such supervision over the sanitary construction and maintenance of privies as may be necessary to enforce the provisions of this act.

SEC. 7. If an officer or an inspector of the North Carolina State Board of Health shall find a privy located within 300 yards of the residence of a person other than that of the owner or tenant thereof which is not constructed in accordance with the provisions of section 3 of this act, he shall securely fasten on the said privy a notice reading, "Insanitary; unlawful to use"; and if the inspector or officer of the aforesaid board shall find, in the course of his inspection, a privy not being maintained in a sanitary manner and in accordance with the reasonable rules and regulations of the North Carolina State Board of Health for the maintenance of privies, he shall remove the license from

the privy and securely fasten on the privy a notice reading, "Insanitary; unlawful to use."

SEC. 8. No person shall remove or deface a privy license or other official notice fastened on or in a privy by an officer of the North Carolina State Board of Health.

SEC. 9. Any person who violates any of the aforesaid provisions of this act, and any person who is responsible for the sanitary maintenance of a privy, and who permits such privy after an official notice reading "Insanitary; unlawful to use," has been fastened on it, to be used, shall be guilty of a misdemeanor and fined not less than \$5 nor more than \$50 or imprisoned not exceeding 30 days.

SEC. 10. The owner of each privy shall pay to the officer or inspector of the North Carolina State Board of Health at the time the privy is inspected and approved for license, a license fee of 40 cents for which the said officer or inspector shall issue a receipt; and the said officer or inspector shall pay to the treasurer of the North Carolina State Board of Health, and account for, all fees so received. The officers and employees of the North Carolina State Board of Health authorized to receive license fees for the inspection and licensing of privies shall, before beginning their work, be bound by a bond sufficient to insure the State against the loss of funds which may come into their hands under the provisions of this act.

SEC. 11. For the faithful execution of this act, the North Carolina State Board of Health shall organize and maintain a bureau of sanitary engineering and inspection which shall (1) study, ascertain, and recommend for installation suitable types of privies for the variety of geologic, sociologic, and economic conditions found in the State of North Carolina; (2) exercise such oversight over the construction and maintenance of privies coming within the meaning of this act as may be necessary for the protection of public health; (3) organize, supervise, and direct a force of sanitary inspectors who shall (a) inspect, license, and close privies in accordance with the provisions of this act and the rules and regulations of the North Carolina State Board of Health as provided for in this act; (b) make such other sanitary inspections as are required of the North Carolina State Board of Health by law; (c) assist in the enforcement of the public health laws of the State, more especially the vital statistics law and the quarantine law; (d) collect samples of water from public water supplies for analyses by the State laboratory of hygiene when such analyses are deemed necessary by the North Carolina State Board of Health.

SEC. 12. The members of the executive staff of the North Carolina State Board of Health, and such additional State sanitary inspectors as shall be appointed for the enforcement of this act, are hereby authorized and empowered to enter upon any premises and into any buildings or institutions for the purposes of inspection as provided for or required by State laws or regulations of the North Carolina State Board of Health pursuant to the said laws, but the privacy of no person shall be violated. Any person or persons who willfully interfere with or obstruct the officers of the North Carolina State Board of Health in the discharge of any of the aforementioned duties shall be guilty of a misdemeanor and subject to a fine of not less than \$100 nor more than \$1,000, or imprisonment at the discretion of the court.

SEC. 13. That the provisions of this act shall apply to all residences, institutions, and establishments, and all privies without regard to their distance from the homes of persons other than that of the owners or tenants thereof, which are located on the watershed of a public surface water supply. For the purpose of this act, the term "watershed" shall include the entire watershed

of all streams, creeks, and rivers that have a daily average flow of less than 10,000,000 gallons, but for watersheds of streams, creeks, or rivers that have a daily average flow of more than 10,000,000 gallons, the watershed shall include only such drainage areas as lie within 15 miles of the waterworks intake.

SEC. 14. The officers of public water companies using surface supplies are hereby relieved after October 1, 1919, of making the inspections and reports of sanitary conditions obtaining on watersheds as required by sections 28 and 29, chapter 62, public laws of 1911, as amended, and the North Carolina State Board of Health shall assume and discharge these duties: *Provided, however,* That nothing in this act shall prevent the authorities of any town or city that makes use of a public surface water supply, or the officers of the public surface water supply company, to make such additional inspections as such officials may deem necessary.

SEC. 15. The funds received by the treasurer of the North Carolina State Board of Health under the provisions of this act shall be expended in the enforcement of its provisions, and if there is a surplus over that which is necessary for the enforcement of this act, it shall be paid to the treasurer of the State of North Carolina, to be expended as provided by law. All funds received and disbursed under the provisions of this act shall be accurately accounted for in the biennial report of the North Carolina State Board of Health.

SEC. 16. This act shall not apply to any city the population of which shall be in excess of 20,000 according to the latest official estimate of the Bureau of the Census, if the authorities of such city, before October 1, 1919, shall officially request the State board of health to exempt it from its provisions. This act shall not apply to the residences of farmers and the homes of their tenants that are located more than 300 yards from residences that come within the meaning of this act.

Privies—Installation and Maintenance at Schools. (Ch. 213, Act Mar. 10, 1919.)

SECTION 1. That in each county the county board of education be and the same is hereby required to provide, under rules and regulations to be made by the North Carolina State Board of Health and approved by the State superintendent of public instruction, two privies at each public schoolhouse, one for boys and one for girls.

Said privies shall be considered an essential and necessary part of the equipment of each public school and may be paid for in the same manner as desks and other essential equipment of the school.

At least 25 per cent of the schools of each county shall have the privies herein required provided on or before September 1, 1919, a second 25 per cent on or before September 1, 1920, a third 25 per cent on or before September 1, 1921, and the balance on or before September 1, 1922.

The county superintendent of public instruction and the county board of education of each county are hereby charged with the execution of the provisions of this act, and failure to fully and completely execute it shall be a misdemeanor and subject the several members of the board and the county superintendent to a fine or imprisonment or both in the discretion of the court.

SEC. 2. That the local district or township committeemen be, and the same are hereby, required to keep the privies provided in section 1 of this act in a sanitary condition and shall be governed in this particular by rules and

regulations to be prepared by the North Carolina State Board of Health, with the approval of the State superintendent of public instruction.

Failure of the committeemen to keep privies at public schoolhouses in proper sanitary condition under the rules and regulations aforesaid shall be considered a misdemeanor and shall subject them severally and personally to fine or imprisonment, or both, in the discretion of the court.

Pupils—Physical Examination—Medical and Dental Treatment. (Ch. 192, Act Mar. 8, 1919.)

SECTION 1. It shall be the duty of the State board of health and the State superintendent of public instruction to prepare and distribute to the teachers in all public schools of North Carolina instructions and rules and regulations for the physical examination of pupils attending the public schools.

SEC. 2. Upon receipt of such instructions, rules, and regulations it shall be the duty of every teacher in the public schools to make a physical examination of every child attending the school and enter on cards and official forms furnished by the State board of health a record of such examination. The examination shall be made at the time directed by the State board of health and the State superintendent of public instruction, but every child shall be examined at least once every three years. The State board of health and the State superintendent of public instruction shall so arrange the work as to cover the entire State once every three years.

SEC. 3. The teacher shall transmit the record cards and other blank forms made by him or her to the North Carolina State Board of Health, and if any teacher fails within 60 days, after receiving the aforesaid forms and requests for examination and report, to make such examination and report as herein provided, the said teacher shall be guilty of a misdemeanor and subject to a fine of not less than \$10 nor more than \$50 or 30 days in prison.

SEC. 4. The North Carolina State Board of Health shall have the records filed by the teacher carefully studied and classified, and shall notify the parent or guardian of every child whose card shows a serious physical defect to bring such child before an agent of the State board of health on some day designated by the State board of health between the hours of 9 a. m. and 5 p. m. for the purpose of having said child thoroughly examined, and if upon receipt of such notice any parent or guardian shall fail or refuse to bring said child before the agent of the State board of health without good cause shown, he shall be guilty of a misdemeanor, and shall be fined not less than \$5 nor more than \$50 or imprisoned not more than 30 days: *Provided*, That the distance the child must be carried shall not exceed 10 miles. No pupil or minor shall be compelled to submit to medical examination or treatment whose parent or guardian objects to the same. Such objection may be made by a written and signed statement delivered to the pupil's teacher or to any person who might conduct such examination or treatment in the absence of such objection.

SEC. 5. Within 30 days after the completion of the examination of the children by the agent of the State board of health, and after written statement of the proper authority hereinafter designated, a sum not exceeding \$10 per hundred children enrolled in the county or city shall be paid to the State board of health to be used exclusively for the purpose of treating school children for defects other than dental, the same to be paid by the county commissioners of the county, and in cities or towns having a separate school system, to be paid by the city manager, city council, city board of aldermen, or city commissioners: *Provided*, That any funds so paid and not needed in

enforcing the provisions of this act shall be returned to the county or city from which it was received.

SEC. 6. For the purpose of providing free dental treatment for as many children as possible each year, and to aid the State board of health in making the examinations as provided for in section 4, a special appropriation not to exceed \$50,000 per annum shall be set aside from "The State public school fund" and shall be paid by the treasurer of the State of North Carolina on properly signed requisition forms to the treasurer of the North Carolina State Board of Health.

SEC. 7. Chapter 244,² public laws of 1917, and all laws and clauses of laws in conflict with this act are hereby repealed.

Public-School Teachers and Superintendents—Certificate of Health Required Annually. (Ch. 177, Act Mar. 7, 1919.)

SECTION 1. That any person teaching in the public schools of North Carolina, or occupying the position of superintendent of public instruction in any county in the State, after the 1st day of October, 1919, shall secure each year before assuming his or her duties a certificate from the county physician, or other reputable physician of the county, certifying that the said person has not an open or active infectious stage of tuberculosis or any other contagious disease.

SEC. 2. The physician shall make the aforesaid certification on form supplied by the North Carolina State Board of Health without charge to the teacher applying for the certification.

SEC. 3. Any person violating any of the provisions of this act shall be guilty of a misdemeanor and subject to a fine of not more than \$50 or more than 30 days' imprisonment.

Cattle Affected with Tuberculosis and Horses and Mules Affected with Glanders—Appraisal and Destruction—Compensation of Owners. (Ch. 62, Act Feb. 21, 1919.)

SECTION 1. If it appears to be necessary for the control or eradication of tuberculosis in cattle, or glanders in horses and mules, to destroy such animals affected with such diseases and to compensate owners for loss thereof, the State veterinarian is authorized, within his discretion, to agree on the part of the State in the case of cattle destroyed for tuberculosis to pay one-third of the difference between the appraised value of each animal so destroyed and the value of the salvage thereof: *Provided, however,* That in no case shall any payment by the State be more than \$25 for any grade animal nor more than \$50 for any pure-bred animal. In the case of horses or mules destroyed for glanders to pay one-half of the appraised value, said half not to exceed \$100.

SEC. 2. Cattle affected with tuberculosis shall be appraised by three men—one to be chosen by the owner, one by the United States Bureau of Animal Industry, and one by the State veterinarian. If the United States Bureau of Animal Industry is not represented, then the appraisers shall be chosen, one by the owner, one by the State veterinarian, the third to be chosen by the first two named. The finding of such appraisers shall be final.

SEC. 3. Animals affected with glanders shall be appraised by three men—one to be chosen by the owner, one to be chosen by the State veterinarian, the third to be named by the first two chosen—the finding of such appraisers to be

² Supplement No. 37 to the Pub. Health Repts., p. 365.

final. The report of appraisal to be made in triplicate on forms furnished by the State veterinarian, and a copy sent to the State veterinarian at once.

SEC. 4. Appraisals of tuberculous cattle shall be reported on forms furnished by the State veterinarian, which shall show the number of animals, the appraised value of each per head, or the weight and appraised value per pound, and shall be signed by the owners and the appraisers. This report must be made in triplicate and a copy sent to the State veterinarian.

SEC. 5. Each owner of tuberculous cattle which have been appraised and which have been authorized by the State veterinarian to be marketed shall market the cattle within 30 days and shall obtain from the purchaser a report in triplicate. One copy to be sent to the State veterinarian at once, certifying as to the amount of money actually paid for the animals; all animals to be identified on report.

SEC. 6. When the appraised cattle have been slaughtered and the amount of salvage ascertained, a report, on forms furnished by the State veterinarian, in triplicate shall be made, signed by the owner and the United States Bureau of Animal Industry or State Inspector and the appraisers by which the animals were appraised and destroyed, showing the difference between the appraised value and salvage. Two copies to be attached to the voucher in which compensation is claimed and one copy to be furnished by [to?] the owner of cattle.

SEC. 7. Compensation for animals destroyed on account of glanders will only be paid when such destruction is ordered by the State veterinarian or his authorized representative. When the owner of the animals presents his claim, he shall support same with the original report of the appraiser, together with the report of the inspector who destroyed the animal, to the State veterinarian.

SEC. 8. When animals have been destroyed pursuant to this act, the inspector shall take reasonable precautions to determine prior to his approval of vouchers in which compensation is claimed who is the owner of and whether there are any mortgages or other liens outstanding against the animals. If it appears that there are outstanding liens, a full report regarding same shall be made and shall accompany the voucher. Every such report shall include a description of the liens, the name of the person or persons having possession of the documentary evidence, and a statement showing what arrangements, if any, have been made to discharge the liens outstanding against the animals destroyed of which the inspector may have knowledge.

SEC. 9. Expense for the care and feeding of animals held for slaughter shall not be paid by the State.

SEC. 10. Stockyards, pens, cars, vessels, and other premises and conveyances will be disinfected whenever necessary for the control and eradication of disease by the owners at their expense under the supervision of an inspector of the United States Bureau of Animal Industry or State veterinarian.

SEC. 11. No payments shall be made for any animal slaughtered in the following cases:

(a) If the owner does not disinfect premises, etc., as directed by an inspector of the United States Bureau of Animal Industry or the State veterinarian.

(b) For any animals destroyed where the owner has not complied with all lawful quarantine regulations.

(c) Animals reacting to a test not approved by the State veterinarian.

(d) Animals belonging to the United States.

(e) Animals brought into the State in violation of the State laws and regulations.

(f) Animals which the owner or claimant knew to be diseased, or had notice thereof at the time they came into their possession.

(g) Animals which had the disease for which they were slaughtered or which were destroyed by reason of exposure to the disease at the time of their arrival in the State.

(h) Animals which have not been within the State of North Carolina for at least 120 days prior to the discovery of the disease.

(i) Where owner does not use reasonable care in protecting animals from disease.

(j) Where owner has failed to submit the necessary reports as required by this act.

SEC. 12. The owner must present his claim for indemnity to the State veterinarian for approval, and the claim shall be supported with the original report of the appraisers, the original report of the sale of animals in the case of cattle destroyed on account of tuberculosis, the certificate of the State or United States Bureau of Animal Industry Inspector, and a summary of the claim, all of which shall constitute a part of the claim.

The owner must state whether or not the animals are owned entirely by him or advise fully of any partnership, and describe fully any mortgages or other liens against the animals.

SEC. 13. The State veterinarian is authorized, himself or by his representative, to do all things specified in this act. All moneys authorized to be paid shall be paid from the State treasury on warrant approved by the auditor, who is hereby authorized to make such payment.

SEC. 14. A sum not to exceed \$5,000 annually is hereby appropriated to pay the indemnities as provided for in this act out of funds not otherwise appropriated.

Bodies of Animals and Fowls Dead from Disease—Required to be Buried or Burned. (Ch. 36, Act Feb. 11, 1919.)

SECTION 1. That it shall be unlawful for any person, firm, or corporation to permit knowingly the bodies of animals or fowls dying of disease of any kind to remain unburied or unburned on the land which such person, etc., owns, rents, or has charge of in any capacity for the space of 24 hours after the death of said animal or fowl, such burying to be of such a depth as to prevent disinterment by prowling dogs.

SEC. 2. Any person, firm, or corporation offending against the provisions of this act shall be guilty of a misdemeanor.

Births and Deaths—Registration—Compensation of Local Registrars or Sub-registrars—Penalty for Violation of Act. (Ch. 210, Act Mar. 10, 1919.)

SECTION 1. Amend section 19³ [of chapter 109 of laws of 1913] by striking out that part of the section beginning with the word "provided" in line 8 to and including the word "subregistrar" in line 12.

SEC. 2. Amend by striking out in section 21⁴ the words "or be both fined and imprisoned in the discretion of the court."

³ Pub. Health Repts. Reprint 338, p. 407.

⁴ Pub. Health Repts. Reprint 264, p. 357.

Convict Camps—Sanitary Supervision by State Board of Health. (Ch. 80, Act Feb. 25, 1919.)

SEC. 4. That section 8 of chapter 286,⁵ public laws of 1917, be amended by striking out the words "and the State highway commission."

SEC. 5. That chapter 286, public laws of 1917, be amended by striking out section 10 of said act.

SEC. 6. That section 11 of chapter 286, public laws of 1917, be amended by placing a comma after the first period in line 6 of said section and striking out the remainder of said section and substituting for the words stricken out the following: "State board of health: * * *."

Inmates of Penal or Charitable Hospitals or Institutions—Surgical Operations Upon. (Ch. 281, Act Mar. 11, 1919.)

SECTION 1. That the medical staff of any penal or charitable hospital or institution of the State of North Carolina is hereby permitted and instructed to have any surgical operation performed by competent and skillful surgeons upon any inmate of any such penal or charitable hospital or institution when, in the judgment of the board hereby created, said operation would be for the improvement of the mental, moral, or physical condition of such inmate of any of the said institutions: *Provided*, Said operation shall not be performed until same shall have been affirmed by the governor and the secretary of the State board of health.

SEC. 2. That at least one representative of the medical staff of the several charitable and penal institutions of the State and one from the State board of health, such representatives to be designated by the governing bodies of the several institutions, shall constitute a board of consultation for the carrying out of the provisions of this act. Said board shall cause a permanent record to be kept by one of its members, designated as secretary, of all its actions and judgments, taken at a meeting held only after due notice has been issued to all its members.

⁵ Supplement No. 37 to the Pub. Health Repts., p. 369.

NORTH DAKOTA.

Venereal Diseases—Notification of Cases—Unlawful for Infected Person to Expose Others to Infection—Examination of Persons Suspected of Being Infected—Isolation or Quarantine—Treatment—Repression of Prostitution—Examination and Treatment of Prisoners—Regulations by State Board of Health. (Ch. 237, Act Feb. 24, 1919.)

SECTION 1. That syphilis, gonorrhea, and chancroid, hereinafter designated as venereal diseases, are hereby declared to be contagious, infectious, communicable, and dangerous to the public health. It shall be unlawful for anyone infected with these diseases or any of them to expose another person to infection.

SEC. 2. Any physician or other person who makes a diagnosis in or treats a case of venereal disease, and any superintendent or manager of a hospital, dispensary, or charitable or penal institution in which there is a case of venereal disease, shall make a report of such case to the health authorities according to such form and manner as the State board of health shall direct.

SEC. 3. State, county, and municipal health officers, or their authorized deputies, within their respective jurisdictions are hereby directed and empowered, when in their judgment it is necessary to protect the public health, to make examinations of persons reasonably suspected of being infected with venereal disease and to detain such persons until the results of such examinations are known, to require persons infected with venereal disease to report for treatment to a reputable physician and continue treatment until cured or to submit to treatment provided at public expense until cured, and also, when in their judgment it is necessary to protect the public health, to isolate or quarantine persons infected with venereal disease. It shall be the duty of all local and State health officers to investigate sources of infection of venereal disease, to cooperate with the proper officials whose duty it is to enforce laws directed against prostitution and otherwise to use every proper means for the repression of prostitution.

SEC. 4. All persons convicted of a crime or held in quarantine, under the provisions of this act, who shall be confined or imprisoned in any State, county, or city prison in the State shall be examined for and if infected, treated for venereal diseases by the health authorities or their deputies. The prison authorities of any State, county, or city prison are directed to make available to the health authorities such portion of any State, county, or city prison as may be necessary for a clinic or hospital wherein all persons who may be confined or imprisoned in any such prison and who are infected with venereal disease, and all such persons who are suffering with venereal disease at the time of the expiration of their terms of imprisonment, and in case no other suitable place for isolation or quarantine is available, such other persons as may be isolated or quarantined under the provisions of section 3, shall be isolated and treated at public expenses [sic] until cured, or in lieu of such isolation any of such persons may, in the discretion of the board of health, be required to report for treatment to a licensed physician, or submit to treatment provided at public expense as provided in section 3. Nothing herein contained shall be construed to interfere with the service of any sentence imposed by a court as a punishment for the commission of crime.

SEC. 5. The State board of health is hereby empowered and directed to make such rules and regulations as shall in its judgment be necessary for the carrying out of the provisions of this act, including rules and regulations providing for

the control and treatment of persons isolated or quarantined under the provisions of section 3, and such other rules and regulations, not in conflict with the provisions of this act, concerning the control of venereal diseases, and concerning the care, treatment, and quarantine of persons infected therewith, as it may from time to time deem advisable. All such rules and regulations so made shall be of force and binding upon all county and municipal health officers and other persons affected by this act, and shall have the force and effect of law.

SEC. 6. Any person who shall violate any of the provisions of this act or any lawful rule or regulation made by the State board of health pursuant to the authority herein granted, or who shall fail or refuse to obey any lawful order issued by any State, county, or municipal health officer, pursuant to the authority granted in this act shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

Prostitution, Lewdness or Assignment—Examination and Treatment for Venereal Diseases of Persons Convicted of. (Ch. 190, Act Mar. 7, 1919.)

SEC. 5. * * *

(c) That probation or parole shall be granted or ordered in the case of a person infected with a venereal disease on such terms and conditions only as shall insure medical treatment therefor and prevent the spread thereof, and the court may order any convicted defendant to be examined for venereal disease.

Vaccination or Inoculation—Not a Condition Precedent for Admission to School, for the Exercise of any Right, etc. (Ch. 236, Act Feb. 14, 1919.)

SECTION 1. *Vaccination or inoculation not to be made a condition precedent.*—No form of vaccination or inoculation shall hereafter be made a condition precedent, in this State, for the admission to any public or private school or college, of any person, or for the exercise of any right, the performance of any duty, or the enjoyment of any privilege, by any person.

SEC. 2. *Repeal.*—Section 425 of the Compiled Laws of North Dakota is hereby repealed, as well as are all acts and parts of acts in conflict with the provisions of this act.

Pupils—Medical Inspection. (Ch. 200, Act Feb. 14, 1919.)

SECTION 1. *Amendment.*—That section 1346 of the compiled laws of 1915 as amended by section 1 of chapter 133¹ of the session laws of 1915, and section 1 of chapter 210² of the session laws of 1917 be amended and reenacted to read as follows:

SEC. 1346. *Health inspection of pupils in public schools.*—Upon being petitioned in writing by a majority of the school directors of the county the board of county commissioners shall employ one or more licensed physicians or graduate nurses, duly registered and licensed to practice nursing under the laws of this State, whose duty it shall be to visit the schools in the county and to inspect and examine the pupils attending said schools. The nurse or physician so appointed shall, under the supervision of the county board of health, examine at least once annually all children enrolled in the public schools of the county, except those who present a certificate of health from a licensed physician; and such nurse or physician shall make out suitable records for each child, a copy of which shall be filed with the county superintendent of schools and a copy with the county superintendent of public health. Notice of physical defects or

¹ Pub. Health Repts. Reprint 338, p. 408.

² Supplement No. 37 to the Pub. Health Repts., p. 376.

abnormalities of diseased or abnormal children shall be sent to the parents, with recommendations for the guidance of the parents in conserving the health of such child. The nurse or physician thus appointed shall cooperate with the State, county, city, and township boards of health in dealing with contagious and infectious diseases and in securing medical treatment for abnormal or diseased indigent children.

The school board or board of education of any school corporation in the State may, and when petitioned by a majority of the persons having children attending the schools of the district shall, employ one or more licensed physicians or graduate nurses, duly registered and licensed to practice nursing in this State. The school nurse or physician thus appointed shall, under the supervision of the local board of health, inspect and examine at least once annually all children enrolled in the public schools of the district, except those who present a certificate of health from a licensed physician, and such inspector shall make out suitable records for each child examined, one copy of which shall be filed with the county superintendent of schools and one with the county superintendent of health; but in districts within incorporated cities, one copy of such report shall be filed with the city superintendent of schools, one with the county superintendent of schools, and one with the county superintendent of health. Notice of physical defects or abnormalities of diseased or abnormal children shall be given to the parents or guardians as prescribed in the preceding paragraph of this section, and such inspector shall cooperate with the State, county, city, and township boards of health in the manner provided in the preceding paragraph of this section. It shall be the duty of the city and county superintendents of schools to cooperate with the school boards and boards of education in promoting health inspection. Where health inspection is provided by the school district, the board of education or the school board therein shall furnish all blanks and other needed supplies; and where inspection is furnished by the county commissioners, the county shall furnish the blanks and all necessary supplies.

Live Stock Affected with Communicable Disease—Isolation—Sale—Slaughtering—Labeling of Meat from. (Ch. 179, Act Feb. 26, 1919.)

SECTION 1. *Amendment.*—Section 2698 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and reenacted to read as follows:

2698. *Duty of owners of stock; animals in transit; meats to be labeled.*—The following regulations shall be observed in all cases of disease covered by this article:

First. It shall be unlawful to sell, give away, or in any manner part with any animal affected with or suspected of being affected with any contagious or infectious disease, with such exception as shall be provided for by the rules and regulations of the live-stock sanitary board, and in case of any animal that may be known to have been affected with or exposed to any such disease within one year or prior to such disposal due notice of the fact shall be given in writing to the person receiving the animal.

Second. It shall be unlawful to kill for butcher purposes any such animals, or to sell, give away, or use any part of it [sic] or its milk, or to remove any part of the skin, with such exceptions as shall be provided for by the rules and regulations of the live stock sanitary board: *Provided*, That in all cases where, under the rules and regulations of the live-stock sanitary board of this State, it shall be lawful to sell, barter, or give away for human consumption the meat from any animal affected with contagious or infectious diseases, there shall be placed upon each quarter of the animal so affected in at least 10 separate places a stamp or label clearly showing the words "affected meat." No meat from any affected or diseased animal shall be placed upon the block or table on which meat not so

affected is handled. Failure to observe these provisions shall be a misdemeanor and on conviction shall be punished by a fine of not less than \$100, or by imprisonment in the county jail for a term of not less than 30 days nor more than one year. It shall be the duty of the owner, agent or person having in charge any animal infected or suspected of being infected with any contagious disease, immediately to confine the same in a safe place, isolated from all other animals and with all necessary restrictions prevent the dissemination of the disease until the arrival of an accredited agent of the live-stock sanitary board: *Provided, however,* The provisions of this section shall not apply to industries which are under the supervision of the United States Department of Agriculture, Bureau of Animal Industry.

Weeds and Grasses—Cutting or Destruction. (Ch. 70, Act Dec. 11, 1919.)

SECTION 1. It shall be the duty of the road overseer in all organized or unorganized townships, and the street commissioner in all villages or cities within the State of North Dakota, to cut or destroy, or cause to be cut or destroyed, all weeds and grasses of every name or nature and description growing along or upon all graded public highways, streets, and alleys in their respective road districts, villages, or cities at least twice in each year, to wit: Once between July 1 and July 15 and one[sic] between October 1 and October 15 of each year. Such weeds shall be cut the entire width of the road, highway, or street. Said work shall be paid for out of the road fund the same as any other road work.

SEC. 2. All overseers of public highways shall file their bills for cutting of weeds with the board of township supervisors in organized townships and with the board of county commissioners in unorganized townships, but such bills shall not be allowed until the cutting of weeds in the township is completed, and at the time said bill is filed it shall be accompanied by the affidavit of the overseer that said weed cutting has been completed. Such bill may be allowed for cutting between July 1 and July 15 provided affidavit is made that all cutting to be done during that period has been completed, and again after October 15 upon the filing of affidavit that all cutting required to be done between October 1 and October 15 has been completed.

SEC. 3. It is hereby made the duty of the board of township supervisors in every organized township, and the board of county commissioners in the case of unorganized townships, to see to it that the weeds and grasses along the highways within said townships are cut or destroyed as provided for in section 1 of this act.

SEC. 4. In case the road overseer of any township, or the board of supervisors of any organized township, shall fail to cut the weeds and grasses along the graded public highways between the dates prescribed in section 1 hereof it is made the duty of the board of county commissioners in each county to immediately after the expiration of each period prescribed in section 1 of this act cut or destroy all weeds and grasses along graded public highways which have not been cut or destroyed by the township officers. As soon as the cutting of weeds is completed in any township the bill for cutting the same shall be presented to the board of county commissioners for audit and allowance, and when allowed by the board of county commissioners shall become a charge against the township in which such cutting or destroying was done, and the county auditor and county treasurer of each county are hereby authorized to deduct from any fund due to any township from the county and from any funds in the hands of the county treasurer belonging to such township the amount of any charge against such township growing out of the cutting or destroying of weeds along the graded highways by or under the direction of the board of county commissioners.

OHIO.

Prostitution, Lewdness, or Assignment—Examination and Treatment for Venereal Diseases of Persons Charged with. (Act June 21, 1919.)

SEC. 13031-17. * * *

(c) Any person charged with a violation of section 13031-17 of the General Code shall, upon the order of the court having jurisdiction of such case, be subjected to examination to determine if such person is infected with a venereal disease. Such examination shall be made by the physician employed to render medical service to persons confined or detained by the municipality or county or by some physician designated by the court or by the board of health to make such examination. Any such person found to have a venereal disease in the infective stage shall receive medical treatment therefor and shall pay for such treatment if able to do so. If not able to pay, such medical treatment shall be at the expense of the municipality or county. No person charged with a violation of section 13031-13 of the General Code shall be discharged from custody, paroled, or placed on probation if he or she has a venereal disease in an infective stage unless the court having jurisdiction shall be assured that such person will continue medical treatment until cured or rendered noninfectious.

* * *

Hospitals and Dispensaries—Commissioner of Health Authorized to Define and Classify—Registration with and Reports to State Department of Health. Benevolent and Correctional Institutions—Investigation of System, Condition, and Management. Children—Investigation of Care and Disposition of, by Institutions. Maternity Hospitals—Licenses—Inspection. (Act Mar. 27, 1919.)

SECTION 1. That sections 1352, 6259, and 6262 be amended, and supplementary section 1236-6 of the General Code be added, to read as follows:

SEC. 1236-6. The commissioner of health shall have power to define and classify hospitals and dispensaries. Within 30 days after the taking effect of this act, and annually thereafter, every hospital and dispensary, public or private, shall register with, and report to, the State department of health, on forms furnished by the commissioner of health, such information as he may prescribe.

SEC. 1352. The board of State charities shall investigate by correspondence and inspection the system, condition, and management of the public and private benevolent and correctional institutions of the State and county, and municipal jails, workhouses, infirmaries, and children's homes, as well as all institutions, whether incorporated, private, or otherwise, which receive and care for children. Officers in charge of such institutions or responsible for the administration of public funds used for the relief and maintenance of the poor shall furnish the board or its secretary such information as it requires. The board may prescribe such forms of report and registration as it deems necessary. For the purpose of such investigation and to carry out the provisions of this chapter it shall employ such visitors as may be necessary, who shall, in addition

to other duties, investigate the care and disposition of children made by institutions for receiving children, and by all institutions including within their objects the placing of children in private homes, and, when they deem it desirable they shall visit such children in such homes, and report the result of such inspection to the board. The members of the board and such of its executive force as it shall designate may attend State and national conferences for the discussion of questions pertinent to their duties. The actual traveling expense so incurred by the members and such of its executive force as it shall designate shall be paid as provided by section 1351 of the General Code.

SEC. 6259. The commissioner of health may grant licenses to maintain maternity hospitals or homes, lying-in hospitals, or places where women are received and cared for during parturition. An application therefor shall first be approved by the board of health of the city, village, or township in which such maternity hospital, or home, lying-in hospital, or place where women are received and cared for during parturition is to be maintained. A record of the license so issued shall be kept by the State department of health, which shall forthwith give notice to the board of health of the city, village, or township in which the licensee resides, of the granting of such license and of the terms thereof.

SEC. 6262. The commissioner of health and the boards of health of cities, villages, or townships shall annually, and may at any time, visit and inspect or designate a person to visit and inspect the system, condition, and management of the institutions and premises so licensed.

SEC. 2. That original sections 1352, 6259, and 6262, and sections 6257 and 6258 of the General Code be, and the same are hereby, repealed.

Hospital and Dispensary Facilities—Survey and Study of, by State Department of Health. (J. R. Feb. 4, 1919.)

Whereas the recent influenza epidemic indicated in an alarming manner the inadequate facilities of this State for the care [care?] of the sick; and

Whereas many lives were lost which could have been saved with facilities for proper care; and

Whereas the State should be prepared to meet any future recurrence of such situations: Therefore be it

Resolved by the General Assembly of the State of Ohio, That the State department of health shall make a survey and study of the present hospital and dispensary facilities of the State and make recommendations for such legislative action as is necessary to bring about a closer working relation between so-called private hospitals and dispensaries and the State; and such further recommendations as are necessary for the development of existing hospital and dispensary facilities to meet the needs of the sick.

State Tuberculosis Hospital—Admission and Support of Patients. (Act June 5, 1919.)

SECTION 1. That sections 2068, 1815-13, 1815-14 of the General Code be amended to read as follows:

SEC. 2068. Any citizen of this State of more than 7 years of age, suffering from pulmonary tuberculosis in the incipient or early stage, as determined by the superintendent, may be admitted to the sanatorium upon payment in advance of a sum to be fixed by the superintendent, said sum to be not less than \$5 nor more than \$25 each week, according to the financial condition and ability

to pay of the person applying for admittance or any other person legally liable for the care and support of said applicant. Said sum, so fixed, shall fully cover all expenses for medical treatment, medicine, nursing, board, lodging, and laundry. The superintendent shall make such investigation as is necessary to determine such financial condition and ability to pay, and may at any time increase or decrease the amount within the limits herein prescribed upon the approval of the Ohio Board of Administration. Payment for the support of patients in the sanatorium shall be made in accordance with the provisions of sections 1815-13, 1815-14, and 1815-15 of the General Code.

SEC. 1815-13. It shall be the duty of the board of State charities to make collections for the support of patients at the Ohio State Sanatorium. When the superintendent of the Ohio State Sanatorium shall report to the board of State charities that an applicant for admission to or an inmate of that institution or any person legally responsible for his support is not financially able to pay the minimum amount fixed by section 2068 of the General Code, it shall be the duty of the board of State charities by its authorized agents to make a thorough investigation as is provided by law for such investigations in other institutions.

SEC. 1815-14. If after the investigation provided in the next preceding section it shall be found that said applicant or inmate or any person legally responsible for his support is unable to pay the minimum amount fixed by law, said board of State charities shall determine what amount, if any, said applicant or inmate or any person legally responsible for his support shall pay. The difference between the amount so determined and the minimum amount fixed by section 2068 of the General Code shall be paid by the county in which said applicant or patient has a legal residence. The amount so determined to be paid by the county shall be paid from the poor fund on the order of the county commissioners.

SEC. 2. That said original sections 2068, 1815-13, and 1815-14 of the General Code be, and the same hereby are, repealed.

Tuberculosis Hospitals—Construction and Maintenance in Certain Counties—Supervision and Regulation by State Department of Health. Tuberculosis Instructing and Visiting Nurses in Counties—Appointment, Compensation, and Duties. County Tuberculosis Dispensaries—Establishment and Maintenance. (Act May 9, 1919.)

SECTION 1. That section 3141 of the General Code be supplemented by the enactment of section 3141-1 and that sections 3147, 3153-1, 3153-2, 3153-3, and 3153-6 of the General Code be amended to read as follows:

SEC. 3141-1. In any county which has joined in the erection of a district tuberculosis hospital and in which such hospital has not capacity to afford suitable accommodation for all cases of tuberculosis that should be admitted to such institution, and where the trustees of such district tuberculosis hospital or the joint board of county commissioners fail or refuse to provide additional accommodation in such hospital, the county commissioners may, with the consent of the State department of health, erect and maintain a county tuberculosis hospital. For the purpose of constructing and maintaining such county hospital the county commissioners may issue bonds and shall annually levy a tax and set aside the funds necessary for such maintenance. Such funds shall not be used for any other purpose. When it shall become necessary to enlarge, repair, or improve such county hospital for tuberculosis, the county commissioners shall proceed in the same manner as provided for other county buildings. Plans and estimates of cost for all additions to hospitals for tuberculosis

shall be submitted to and approved by the State department of health and the board of State charities.

SEC. 3147. The State department of health shall have general supervision of all hospitals for tuberculosis and shall prescribe and may enforce such rules and regulations for their government as it deems necessary. All persons in charge of or employed at such hospital or residents thereof, shall faithfully obey and comply with all such rules and regulations. The location, plans and estimates of cost for all district hospitals for tuberculosis or additions thereto shall be submitted to and approved by the State department of health, and the board of State charities.

SEC. 3153-1. The county commissioners may appoint one or more instructing and visiting nurses who may visit any home or place in the county wherein there is a case of tuberculosis, but such appointment shall be subject to the approval of the State department of health.

SEC. 3153-2. Where such appointments are made by the board of county commissioners, such nurses shall be subject to the supervision of the county commissioners and the State department of health, and may be detailed for service under any local board of health or health department having jurisdiction.

SEC. 3153-3. The board of county commissioners appointing such instructing and visiting nurses shall fix the compensation of such nurses, and may authorize such nurses to attend conferences where the care, treatment, or prevention of tuberculosis, public health, or nursing are subjects for consideration. Such compensation and the necessary expenses incurred by such nurses shall be paid from the poor fund of the county, or from the funds provided for the hospital for tuberculosis.

SEC. 3153-6. In such counties as have not constructed a county hospital for tuberculosis, or have not contracted with a municipal tuberculosis hospital, or in such counties as have joined in the construction of a district tuberculosis hospital and in which the joint board of county commissioners of such district shall fail or refuse to maintain tuberculosis dispensaries as herein provided, the county commissioners may establish and maintain one or more tuberculosis dispensaries in the county and may employ physicians, public health nurses, and other persons for the operation of such dispensaries or of other means provided for the prevention, care, and treatment of cases of tuberculosis and may provide by tax levies or otherwise the necessary funds for their establishment and maintenance.

SEC. 2. That original sections 3147, 3153-1, 3153-2, 3153-3, and 3153-6 of the General Code be and the same are hereby repealed.

County Tuberculosis Hospitals—Purchase of District Tuberculosis Hospitals by Counties—Management and Control—Levy of Taxes. (Act Dec. 18, 1919.)

SECTION 1. That section 3141-1 of the General Code be supplemented by the enactment of section 3141-2 to read as follows:

SEC. 3141-2. Where bonds have been authorized or funds secured for the purpose of erecting or maintaining a county hospital as provided for in section 3141-1, such funds may be used in purchasing the right, title and interest of any or all counties that may have joined in the erection or maintenance of a district hospital for the treatment of tuberculosis. The management and control of such tuberculosis hospital shall be vested in a board of trustees, appointed by the county commissioners for a term of three years: *Provided*, That of the appointments first made one shall be made for one year, one for two

years, and one for three years, and thereafter one shall be appointed annually on the 1st day of April for a term of three years. All vacancies shall be filled by the county commissioners for the unexpired term. The board of trustees so appointed shall have all the powers conferred by law upon the board of trustees of a district hospital for the care of persons suffering from tuberculosis, and all laws applicable to the levy of taxes for the erection, maintenance and operation of said district hospital shall apply to the erection, operation and maintenance of said county hospital.

District Tuberculosis Hospitals—Establishment and Maintenance. (Act May 9, 1919.)

SECTION 1. That section 3148 of the General Code be amended to read as follows:

SEC. 3148. The commissioners of any two or more counties, not to exceed 10, may form themselves into a joint board for the purpose of establishing and maintaining a district hospital, provided there is no municipal tuberculosis hospital therein for care and treatment of persons suffering from tuberculosis, and may provide the necessary funds for the purchase of a site, which site shall be separate and apart from the infirmary boundaries in any county and also may provide for the erection of the necessary buildings thereon: *And provided further*, That where any number of counties have already constructed and are operating a district tuberculosis hospital, counties may join such counties for enlargement and use of such hospital: *And providing further*, That the county commissioners of any county within a district which desires to withdraw from said district may dispose of its interest in said district hospital by selling same to any county or counties in said district and subject to the approval of the State board of health. Any new district or addition to a district shall be approved by the State board of health. Such necessary expenses as may be incurred by the county commissioners in meeting with the commissioners of other counties for consideration of the proposal to establish a district tuberculosis hospital shall be paid from the general fund of the county. After the organization of the joint board such expenses shall be paid from the fund provided for the erection and maintenance of such hospital.

SEC. 2. That said original section 3148 of the General Code be, and the same is hereby, repealed.

Tuberculosis Hospitals in Certain Counties—Establishment, Management, and Control—Levy of Taxes. (Act May 9, 1919.)

SECTION 1. That section 3148 of the General Code of Ohio, be supplemented by the addition of the following:

SEC. 3148-1. The county commissioners of any county wherein is located a municipal tuberculosis hospital may provide the necessary funds for the purchase or lease of a site, and the erection or lease of the necessary buildings thereon, for the operation and maintenance of a county hospital for the treatment of persons suffering from tuberculosis. Any municipality within said county at present maintaining and operating a hospital for the treatment of tuberculosis may continue to maintain said hospital as a municipal hospital, or may lease or sell the same to the county.

SEC 3148-2. The management and control of such tuberculosis hospital shall be vested in a board of trustees, which board of trustees shall have all the powers conferred by law upon the board of trustees of district hospitals for the care of persons suffering from tuberculosis, and all laws applicable to the

levy of taxes for the erection, maintenance, and operation of said district hospitals shall apply to the leasing, erection, operation, and maintenance of said county hospital for the treatment of persons suffering from tuberculosis.

SEC. 3148-3. The county commissioners shall constitute the board of trustees of such hospital.

State Department of Health—Seal—Records of Official Acts of Commissioner and Public Health Council—Administering of Oaths. (Act Apr. 17, 1919.)

SECTION 1. The State department of health shall have a seal bearing the following inscription: "The State Department of Health of Ohio." The seal shall be affixed to all writs, orders, and authentications of copies of records and to such other instruments as the commissioner of health or public health council shall direct. All courts shall take judicial notice of said seal.

SEC. 2. The commissioner of health shall keep a journal, in which entry shall be made of all official acts performed by him. A certified transcript of an entry in such journal or certified transcript of a recorded action of the public health council when impressed with the seal of the State department of health shall be accepted in court in lieu of the original journal entry or of the record of the public health council.

SEC. 3. The commissioner of health and the secretary of the public health council shall have power to administer oaths in all parts of the State so far as the exercise of such power is incidental to the performance of the duties of the commissioner of health or the public health council.

Local Health Administration—Creation of Municipal and General Health Districts—Appointment, Powers, and Duties of District Boards of Health and District Health Commissioners—Conferences of and Schools of Instruction for District Health Commissioners. Communicable Diseases—Quarantine—Placarding—Precautionary Measures by Attending Physicians—Attendance at Schools and Public Gatherings—Unlawful Exposure of Infected Persons and Things—Unlawful to Let Infected Premises Prior to Disinfection. (Act May 9, 1919.)

SECTION 1. For the purposes of local health administration the State shall be divided into health districts. Each city having at the last preceding Federal census a population of 25,000 or more shall constitute a health district, and for the purpose of this act shall be known as and hereinafter be referred to as a municipal health district. The townships and municipalities in each county, exclusive of any city having 25,000 population or more at the last preceding Federal census, shall constitute a health district, and for the purposes of this act shall be known as and hereinafter be referred to as a general health district: *Provided*, That where any municipality having less than 25,000 population at the last preceding Federal census is located in more than one county it shall be included for the purposes of this act in the county in which the largest part of the area of such municipality is located. As hereinafter provided, there may be a union of two general health districts or a union of a general health district and a municipal health district located within such district.

Provided, That when any municipality of not less than 10,000 nor more than 25,000 population at the last preceding Federal census maintains at the time of the passage of this act a board of health or health department furnishing, in the opinion of the State department of health, a sanitary administration equal to that to be provided in the district under the provisions of this act,

the State commissioner of health shall declare such a municipality a separate municipal health district, and from and after the beginning of the next fiscal year after such action such municipality shall be and constitute a separate municipal health district within the meaning of this act. Should the State department of health, after investigation, subsequently find that such municipality does not maintain a sanitary administration equal to that provided in the general health district in which such municipality is located, the State department of health may, after notice to the mayor of the municipality, declare such municipality a part of the general health district, and from the beginning of the next fiscal year thereafter the municipality shall be a part of the general health district as provided in this act.

SEC. 2. In each general health district, except in a district formed by the union of a general health district and a municipal health district, there shall be a district board of health consisting of five members, to be appointed as hereinafter provided and as provided in section 4406 of the General Code. The members of the board of health of a general health district shall receive no compensation for their services, but shall be reimbursed for all necessary and lawful expenses incurred in attending meetings of the board. A vacancy in the membership of the board of health of a general health district shall be filled in like manner as an original appointment and shall be for the unexpired term: *Provided*, That when a vacancy shall occur more than 90 days prior to the annual meeting of the district advisory council the remaining members of the district board of health may select a resident of the district to fill such vacancy until such meeting. A majority of the members of the district board of health shall constitute a quorum.

SEC. 3. Within 60 days after this act shall take effect the mayor of each municipality not constituting a municipal health district and the chairman of the trustees of each township in a general health district shall meet at the county seat and shall organize by selecting a chairman and a secretary. Such organization shall be known as the district advisory council. The district advisory council shall proceed to select and appoint a district board of health as hereinbefore provided, having due regard to the equal representation of all parts of the district. Where the population of any municipality represented on such district advisory board exceeds one-fifth of the total population of the district, as determined by the last preceding Federal census, such municipality shall be entitled to one representative on the district board of health for each fifth of the population of the district represented by the population of such municipality. Of the members of the district board of health one shall be a farmer, two shall be physicians, and one shall be an attorney at law. Annually thereafter the district advisory council shall meet on the first Monday in February for the purpose of electing its officers and a member of the district board of health and shall also receive and consider the annual or special reports of the district board of health and make recommendations to the district board of health or to the State department of health in regard to matters for the betterment of health and sanitation within the district or for needed legislation. It shall be the duty of the secretary of the district advisory board to notify the district health commissioner and the State commissioner of health of the proceedings of such meeting. Special meetings of the district advisory council shall be held on request of the district board of health or on the order of the State commissioner of health. On certification of the chairman and secretary the necessary expenses of each delegate to an annual or special meeting shall be paid by the city, village, or township he represents.

The district health commissioner shall attend all meetings of the district advisory council.

SEC. 4. Within 30 days after the appointment of the members of the district board of health in a general district they shall organize by selecting one of their members as president and another member as president pro tempore. The district board of health shall appoint a district health commissioner, who shall be secretary of the board and who shall give his entire time to the duties of his office and shall not engage in any other business. The health commissioner shall be appointed from an eligible list certified by the State Civil Service Commission of Ohio, as hereinafter provided, and said appointee shall not be removed except it be for good cause and by a majority vote of the membership of the district board of health. In the absence of an eligible list, a temporary appointment may be made, but no such appointment shall be made without the approval of the State commissioner of health. A health commissioner who has been removed from office may appeal to the public health council. Upon notice of such appeal the district board of health shall prefer charges against the health commissioner and a hearing shall be given at which the district board of health and the health commissioner may be present. After such hearing the public health council shall render a decision, and such decision shall be a final determination of the case. The hearing may be held within the general health district or at the city of Columbus. The district health commissioner shall be the executive officer of the district board of health and shall carry out all orders of the district board of health and of the State department of health. He shall be charged with the enforcement of all sanitary laws and regulations in the district, and shall have within the general health district all the powers now conferred by law upon health officers of municipalities. It shall be the duty of the district health commissioner to keep the public informed in regard to all matters affecting the health of the district.

SEC. 5. When it is proposed that a municipal health district unite with a general health district in the formation of a single district, the district advisory council of the general health district shall meet and vote on the question of union, and it shall require a majority vote of the total number of townships, villages, and cities entitled to representation voting affirmatively to carry the question. The council or body performing the duties of council of the municipality shall likewise vote on the question, and a majority voting affirmatively shall be required for approval. When the majority of the district advisory council and council of the municipality have voted affirmatively, the chairman of the district advisory council and the mayor or chief executive officer of the municipality shall enter into a contract subject to the approval of the State commissioner of health for the administration of health affairs in the combined district. Such contract shall state the proportion of the expenses of the board of health or health department of the combined district to be paid by the municipality and by that part of the district lying outside such municipality; shall provide for the amount and character of sanitary service to be rendered in the parts of the district lying outside such municipality and the date on which the board of health or health department of the municipality shall take over the administration of the combined health district. After such union is completed the board of health or health department of the municipal health district shall have within the combined district all the powers herein or hereafter granted to and perform all the duties herein or hereafter required of the board of health of a general health district.

SEC. 6. Where it is proposed that two general health districts shall unite in the formation of one general health district, the district advisory council of each general health district shall meet and vote on the question of union, and an affirmative majority vote of the total number of townships, villages, and

cities entitled to representation on the district advisory council shall be required for approval. When the two district advisory councils have voted affirmatively on the question they shall meet in joint session and shall elect a district board of health for the combined districts, and not more than three members shall be from any one original district. When such union is completed such districts shall constitute a general health district and shall be governed in the manner herein provided for general health districts. Where two general health districts unite to form one district the office of the district board of health shall be located at the county seat of the most populous county, except that for good cause such office may, with the approval of the State commissioner of health, be located in the municipality most accessible by usual means of transportation to the whole of the district.

SEC. 7. In any general health district the district board of health shall, upon the recommendation of the health commissioner, appoint for whole-time service a public-health nurse and a clerk and such additional public-health nurses, physicians, and other persons, within the classes to be fixed by the State Civil Service Commission of Ohio as hereinafter provided, as may be necessary for the proper conduct of its work. Such number of public-health nurses shall be employed as is necessary to provide adequate public-health nursing service to all parts of the district. The board of health of each district shall provide such infant-welfare stations, prenatal clinics, and other measures for the protection of children as it may deem necessary. It shall also provide for the prevention and treatment of trachoma and may establish clinics or detention hospitals and provide the necessary medical and nursing service therefor.

SEC. 8. The board of health of any general health district shall make adequate provision for the sanitary administration of any municipalities forming part of such district. It shall establish an office in each city, in rooms which the council of such city shall provide for that purpose, and shall designate for duty therein a deputy health officer and such inspectors and nurses as may be necessary properly to administer the sanitary affairs of such city. The amount and quality of sanitary service to be furnished in any such municipality shall in no case be less than that in effect in such city at the time this act shall take effect.

SEC. 9. If in any general health district the district advisory council shall fail to meet or to select a district board of health within 90 days after this act shall take effect, the State commissioner of health may, with the consent of the public health council, appoint a district board of health for such district, which shall have and exercise all powers conferred by this act on district boards of health.

SEC. 10. If the State commissioner of health shall find that the members of the board of health of a general or municipal health district, or any member thereof, has failed to perform any or all the duties required by this act he shall prefer charges against such members of the board or such member before the public health council, and shall notify the members of such board or such member as to the time and place at which such charges will be heard. If the public-health council shall, after hearing, find the members of such board or such member guilty of the charge or charges, it may remove such members of the board or such member from office. When all or a majority of the members of the board of health of a general or municipal health district be so removed from office, the district advisory council or the mayor of the municipality, upon notice of such removal, shall, within 30 days after receipt of such notice, select a new board of health or members to fill the vacancies caused by removal; and if the district advisory council or mayor fails within 60 days to select such board or such member or members, the State commissioner of

health, with the approval of the public-health council, may appoint a board of health for such general or municipal health district or fill the vacancies caused by removal.

SEC. 11. In addition to the duties now required of boards of health it shall be the duty of each district board of health to study and record the prevalence of disease within its district; to provide for the prompt diagnosis and control of communicable diseases; to provide for the medical and dental supervision of school children; to provide for the free treatment of cases of venereal disease; to provide for the inspection of schools, public institutions, jails, workhouses, children's homes, infirmaries, and other charitable, benevolent, correctional, and penal institutions; to provide for the inspection of dairies, stores, restaurants, hotels, and other places where food is manufactured, handled, stored, sold, or offered for sale, and for the medical inspection of persons employed therein; to provide for the inspection and abatement of nuisances dangerous to public health or comfort; and to take all steps necessary to protect the public health and to prevent disease.

Provided, That in the medical supervision of school children as herein provided, no medical or surgical treatment shall be administered to any minor school child except upon the written request of the parent or guardian of such child: *And provided further*, That any information regarding any diseased condition or defect found as a result of any medical school examination shall be communicated only to the parent or guardian of such child and, if in writing, shall be in a sealed envelope addressed to such parent or guardian.

SEC. 12. Each district board of health shall provide for the carrying on of such laboratory work as is necessary for the proper conduct of its work. It may establish a district laboratory or may contract with any existing laboratory within or convenient to the district for the performance of such work or may unite with another district in the establishment of a joint laboratory. It shall be the public duty of all State institutions supported in whole or in part by public funds to furnish such laboratory service as may be required by any district board of health under terms to be agreed upon. Any contract for the furnishing of laboratory service to a district board of health and any proposal for the establishment of a joint laboratory shall be subject to the approval of the State commissioner of health. In the operation of such laboratories standard methods approved by the State commissioner of health shall be used.

SEC. 13. Each district board of health shall provide for the free treatment of cases of gonorrhea, syphilis, and chancroid. It may establish and maintain one or more clinics for such purpose and may provide for the necessary medical and nursing service therefor. The district board of health shall provide for the quarantine of such carriers of syphilis, gonorrhea, or chancroid as the State commissioner of health shall order to be quarantined. It shall use due diligence in the prevention of such venereal diseases and shall carry out all orders and regulations of the State department of health in connection therewith.

SEC. 14. Each district board of health shall provide for the free distribution of antitoxin for the treatment of cases of diphtheria and shall establish sufficient distributing stations to render such antitoxin readily available in all parts of the district.

SEC. 15. The district board of health hereby created shall exercise all the powers and perform all the duties now conferred and imposed by law upon the board of health of a municipality, and all such powers, duties, procedure, and penalties for violation of the sanitary regulations of a board of health shall be construed to have been transferred to the district board of health by this act. The district board of health shall exercise such further powers and perform such other duties as are herein conferred or imposed.

SEC. 16. The district health commissioner shall make or cause to be made frequent inspections of all county infirmaries, children's homes, workhouses, jails, or other charitable, benevolent, correctional, or penal institutions in the district, including physical examinations of the inmates whenever necessary, and shall make or cause to be made such laboratory examinations of such inmates as may be requested by any State or county official having jurisdiction over such institution.

SEC. 17. The district health commissioner shall be a deputy of the State registrar of vital statistics and shall, under his direction, enforce all laws governing the registration of births and deaths. Each local registrar of vital statistics shall, on or before the 5th day of each month, transmit to the health commissioner of the district having jurisdiction all certificates of births or deaths received by such registrar during the preceding month. The health commissioner shall within five days transmit such certificates to the State registrar of vital statistics. When any registrar shall receive any certificate of a death from any contagious or communicable disease he shall, within 24 hours after receipt of such certificate, notify the health commissioner of the district having jurisdiction of such death on a form to be furnished by the district board of health.

SEC. 18. The district board of health may establish detention hospitals for cases of communicable diseases and provide for the support and maintenance thereof. It may collect from persons committed to such hospitals the cost of the care and treatment of such persons while inmates therein. The expenses of such indigent persons as are committed to such detention hospitals shall be a proper charge against and shall be collected from the township or municipality from which such person was sent to the hospital.

SEC. 19. The State Civil Service Commission of Ohio shall, upon recommendation of the State commissioner of health, survey the duties of employees necessary for efficient operation of district boards of health and shall classify such employees in so far as is practicable, determine the qualifications of, and fix a standard rate of compensation for each class. Such classification shall also include positions to be filled on a part-time basis. The State civil service commission shall hold examinations in various parts of the State and prepare lists of eligibles for the classes of employees so fixed. Such examinations shall be open to suitably qualified persons with out restriction as to residence. The State civil service commission shall, upon request of any district board of health, certify lists of eligibles for appointment, giving preference in each case to eligibles resident in the district.

SEC. 20. All appointments by boards of health of general health districts shall be from the list of eligibles certified by the State civil service commission, except that where no list of eligibles is furnished, temporary appointments for a period not to exceed 90 days may be made with the approval of the State civil service commission, and the rate of compensation of persons so appointed shall be that fixed by the State civil service commission for that class. In grave emergency, and to prevent or combat serious epidemics, the State commissioner of health may authorize the temporary employment of physicians, nurses, and other necessary persons for periods not to exceed 90 days. Appointments to positions on a part-time basis shall be from lists certified by the civil service commission for part-time employment and the compensation paid any part-time employee shall not in any one year exceed one-half the compensation fixed by the civil service commission for whole-time service in the same class. Persons appointed for whole-time service shall give their entire time to the duties of such position and shall not engage in any other business.

SEC. 21. It shall be the duty of the county commissioners or of the city council to furnish suitable quarters for any board of health or health department having jurisdiction over all or a major part of such county or municipality in accordance with the provisions of this act.

SEC. 22. In general health districts the prosecuting attorney of the county constituting all or a major part of such district shall act as the legal advisor of the district board of health. In a proceeding in which the board of health of any general health district is a party the prosecuting attorney of the county in which such proceeding is instituted shall act as the legal representative of the district board of health.

SEC. 23. The treasurer of a city which constitutes a separate health district shall be the custodian of the health fund of such municipal health district. The county treasurer of a county, which constitutes all or the major portion of a general health district, shall be custodian of the health fund of that health district. The auditor of a county, which constitutes all or a major portion of a general health district, shall act as the auditor of the general health district. The auditor of a municipality, which constitutes a municipal health district, shall act as the auditor of the municipal health district. Expenses of the district board of health of a general health district shall be paid on the warrant of the county auditor, issued on vouchers approved by the district board of health, and signed by the district health commissioner. Expenses of the board of health or health department of a municipal health district shall be paid on the warrant of the auditor of the municipality, issued on vouchers approved by the board of health or health department of the municipal health district and signed by the municipal health commissioner.

SEC. 24. When any general or municipal health district has been duly organized as provided by this act and has employed for whole-time service a health commissioner, a public-health nurse, and a clerk, the chairman of the board of health, or the principal executive officer of the department of health, as the case may be, shall semiannually upon the 1st day of January and of July certify such fact to the State commissioner of health, stating the salaries paid such health commissioner, public-health nurse, and clerk during the preceding six months. If such board of health or health department has complied with the orders and regulations of the State department of health and has truly and faithfully complied with the provisions of this act, the State commissioner of health shall indorse such facts on the certificate and shall transmit the certificate to the auditor of State, who shall thereupon draw a voucher on the treasurer of State to the order of the custodian of the funds of such health district, payable out of the general revenue fund, in amount equal to one-half of the amount paid by the district board of health or health department to such health commissioner, public health nurse, and clerk during such semi-annual period: *Provided*, That if the amount paid by such district board of health or health department during any six months is in excess of \$2,000, the amount to be paid by the auditor of State shall be \$1,000 and no more, and no payment shall be made unless the certificate of the district board of health or health department shall have been indorsed by the State commissioner of health as herein provided.

SEC. 25. The board of health of a general health district shall annually, on or before August 1, estimate in itemized form the amounts needed for the current expenses of such district for the fiscal year beginning on the 1st day of January next ensuing. Such estimate shall be certified to the county auditor and by him submitted to the district advisory council at a meeting held at his office on the second Monday of September. The district advisory council may reduce any item or items in such estimate, but may not increase any item

or the aggregate of all items. The aggregate amount as fixed by the district advisory council shall be apportioned by the county auditor among the townships and municipalities composing the health district on the basis of population as shown by the last preceding Federal census. The district board of health shall certify to the county auditor the amount due from the State as its share of the salaries of the district health commissioner, public-health nurse, and clerk for the next fiscal year, which shall be deducted from the total of such estimate before an apportionment is made. The county auditor, when making his semiannual apportionments of funds, shall retain at each such semiannual apportionment one-half of the amount so apportioned to each township and municipality. Such moneys shall be placed in a separate fund, to be known as the "district health fund." When a general health district is composed of townships and municipalities in two or more counties, the county auditor making the original apportionment shall certify to the auditor of each county concerned the amount apportioned to each township and municipality in such county. Each auditor shall withhold from the semiannual apportionment to each such township or municipality the amount so certified, and shall pay the amounts so withheld to the custodian of the funds of the health district concerned, to be credited to the district health fund. Where any general health district has been united with a municipal health district located therein the mayor of the municipality shall annually on or before the 1st day of August certify to the county auditor the total amount due for the ensuing fiscal year from the municipalities and townships in the district as provided in the contract between such municipality and the district advisory council of the original health district. The county auditor shall thereupon apportion the amount so certified to the townships and municipalities, and withhold the sums so apportioned as herein provided.

SEC. 26. In case of epidemic or threatened epidemic or during the unusual prevalence of a dangerous communicable disease, if the moneys in the district health fund of a general health district are not sufficient, in the judgment of the board of health of such district, to defray the expenses necessary to prevent the spread of such disease, such board of health shall estimate the amount required for such purpose and apportion it among the townships and municipalities in which the condition herein described exists, on the basis provided for in section 25 of this act. Such estimate and apportionment shall be certified to the county auditor of the proper county or counties, who shall draw an order on the clerk, auditor, or other similar officer of each township or municipality affected thereby, for the amount to it apportioned. Such clerk, auditor, or other similar officer shall forthwith draw his warrant on the treasurer of such township or municipality for the amount of such certification, which shall be honored by the treasurer from any general treasury balances subject to his control, regardless of funds. The clerk, auditor, or other similar officer shall thereupon set up an account to be designated "emergency health account," showing a deficit therein, and certify the action taken to the trustees or council or other body having the power to borrow money. Thereupon the trustees or council or other similar body may exercise the powers provided for in sections 4450 and 4451 of the General Code. Tax levies made for the purpose set forth in this section shall be subject to the provisions of section 5649-4 of the General Code. Moneys raised under the authority herein conferred shall be placed in the treasury of the borrowing subdivision and credited to the "emergency health account," which shall thereupon be closed; so that the moneys taken from general cash balances shall be restored thereto and the regular funds of the subdivision shall be restored thereby.

If there is not sufficient money in the general cash balances of such subdivisions to satisfy the warrant so drawn by the clerk, auditor, or other similar officer, the treasurer thereof shall honor the same to the extent of the cash in such treasury and the balance shall be certified by the clerk, auditor, or other officer and the treasurer, jointly, to the trustees, council, or other borrowing authority, which shall immediately exercise the powers provided for in this section, to raise the amount of the warrant. The proceeds of such action shall be paid into the general cash balance in the treasury of the subdivision, and the balance due on the warrant shall then be paid.

The warrants provided for in this section shall be drawn in favor of the county treasurer, as treasurer of the district health fund, and the proceeds shall go into such fund. A separate account shall be kept of expenditures under this section. If a greater amount is expended in any township or municipality than the amount drawn therefrom by action hereunder, the excess shall be charged against such subdivision at the next annual apportionment in addition to the amount apportionable to such subdivision under section 25 of this act. If the amount drawn under this section is not wholly expended in any subdivision, the unexpected remainder shall be credited to the next annual apportionment to such subdivision.

Performance of the official duties by this section imposed on officers, boards, and legislative bodies, may be enforced by mandamus on the relation of the district board of health, which is hereby given special capacity to sue in such action. In any such case the return day of the alternative writ shall not be more than three days after the filing of the petition.

SEC. 27. The board of health of a general health district may take such orders and regulations as it deems necessary for its own government, for the public health, the prevention or restriction of disease, and the prevention, abatement, or suppression of nuisances. All orders and regulations not for the government of the board, but intended for the general public, shall be adopted, recorded, and certified as are ordinances of municipalities and record thereof shall be given in all courts of the State the same force and effect as is given such ordinances, but the advertisements of such orders and regulations shall be by publication in one newspaper published and of general circulation within the general health district. Publication shall be made once a week for two consecutive weeks and such orders and regulations shall take effect and be in force 10 days from date of first publication: *Provided, however,* That in cases of emergency caused by epidemics of contagious or infectious diseases, or conditions or events endangering the public health, such boards may declare such orders and regulations to be emergency measures, and such orders and regulations shall become immediately effective without such advertising, recording, and certifying.

SECTION 28. In case any section or sections or part of any section or sections of this act shall be found unconstitutional, the remainder of the act shall not thereby be invalidated, but shall remain in full force and effect.

SEC. 1245. The State department of health shall make provision for annual conferences of district health commissioners for the consideration of the cause and prevention of dangerous communicable diseases and other measures to protect and improve the public health. Each board of health or other body or person appointed or acting in place of a board of health shall appoint its health commissioner or health officer a delegate to such annual conferences. The district board of health shall pay the necessary expenses of such delegate upon presentation of a certificate from the State commissioner of health that the delegate attended the sessions of such conference.

SEC. 1246. The State commissioner of health may require any district health commissioner to attend immediately after his appointment a school of instruction to be conducted by the State department of health at Columbus. The course at such school of instruction shall not exceed four weeks in duration, and the necessary expenses of the district health commissioner in attending such school shall be paid by the district board of health upon certification from the State commissioner of health that such officer has attended the school of instruction.

SEC. 4404. The council of each municipality constituting a municipal health district shall establish a board of health, composed of five members, to be appointed by the mayor and confirmed by the council, who shall serve without compensation, and a majority of whom shall be a quorum. The mayor shall be president by virtue of his office: *Provided*, That nothing in this act contained shall be construed as interfering with the authority of a municipality constituting a municipal health district making provision by charter for health administration other than as in this section provided.

SEC. 4405. If any such municipality fails or refuses to establish a board of health, the State commissioner of health, with the approval of the public health council, may appoint a health commissioner therefor and fix his salary and term of office. Such health commissioner shall have the same powers and perform the duties granted to or imposed upon boards of health, except that rules, regulations, or orders of a general character and required to be published, made by such health commissioner, shall be approved by the State commissioner of health. The salary of the health commissioner so appointed and all necessary expenses incurred by him in performing the duties of the board of health shall be paid by and be a valid claim against such municipality.

SEC. 4408. In any municipal health district the board of health or person or persons performing the duties of a board of health shall appoint within the classes fixed by the State Civil Service Commission of Ohio for whole-time service a health commissioner, a public health nurse, and a clerk. It may also appoint physicians, public health nurses, and other persons within the classes fixed by the State Civil Service Commission of Ohio. Where the municipal civil service commission has held examinations for appointment within the classes so fixed and has certified lists of eligibles for the classes from which appointment is to be made, such appointments shall be made from the lists so certified, but if the municipal civil service commission has not held examinations in accord with the classification made by the State civil service commission or can not furnish lists of eligibles for such classes, appointment shall be made from lists of eligibles furnished by the State civil service commission as heretofore provided. Where no list of eligibles is furnished by the municipal or State civil service commission, temporary appointments may be made for periods not to exceed 90 days, with the consent of the State civil service commission: *Provided*, That the status of persons employed at the time this act shall take effect by a board of health or health department under the provisions of municipal civil service for whole-time service shall not be affected by the passage of this act.

SEC. 4409. The secretary of the board shall keep a full and accurate record of the proceedings of the board, together with a record of diseases reported to the health commissioner, and on termination of his office shall turn over to his successor books, records, papers, and other matter belonging to the board. Each board of health, or person or persons performing the duties of the board of health, shall procure suitable books, blanks, and other things necessary to the transaction of its business. Such records shall be kept as are required by

the State commissioner of health, and such forms shall be used as he may prescribe.

SEC. 4410. The board of health shall care for the sick poor and each person quarantined, when such person is unable to pay for care and treatment, and for all persons sent to the municipal detention hospital, when such persons are unable to pay for care and treatment.

SEC. 4413. The board of health of a municipality may make such orders and regulations as it deems necessary for its own government, for the public health, the prevention or restriction of disease, and the prevention, abatement, or suppression of nuisance. Orders and regulations, not for the government of the board but intended for the general public, shall be adopted, advertised, recorded, and certified, as are ordinances of municipalities, and the record thereof shall be given in all courts of the State the same force and effect as is given such ordinances: *Provided, however,* That in cases of emergency caused by epidemic of contagious or infectious diseases or conditions or events endangering the public health such boards may declare such orders and regulations to be emergency measures, and such orders and regulations shall become immediately effective without such advertising, recording, and certifying.

SEC. 4429. When a case of smallpox, cholera, plague, yellow fever, typhus fever, diphtheria, membranous croup, scarlet fever, or other communicable diseases declared by the board of health or State department of health to be quarantinable is reported within its jurisdiction the board of health shall at once cause to be placed in a conspicuous position on the house wherein such disease occurs a quarantine card having printed on it in large letters the name of the disease within, and prohibit entrance to or exit from such house without written permission from the board of health, or shall enforce such restrictive measures as may be prescribed by the State department of health. No person shall remove, mar, deface, or destroy such quarantine card, which shall remain in place until after the patient has been removed from such house or has recovered and is no longer capable of communicating the disease and the house and the contents thereof have been properly purified and disinfected by the board of health or treated in such manner as may be prescribed by the State department of health.

SEC. 4430. Each physician attending a person affected with any such disease shall use such precautionary measures to prevent the spread of the disease as is required by the board of health. No person quarantined by a board of health on account of having a contagious disease or for having been exposed thereto shall leave such quarantined house or place without the written permission of the board of health, and where other inmates of such house have been exposed to and are liable to become ill of any such diseases for such period thereafter as may be prescribed in the rules and regulations of the State department of health.

SEC. 4436. When a house or other place is quarantined on account of contagious diseases, the board of health having jurisdiction shall provide for all persons confined in such house or place food, fuel, and all other necessities of life, including medical attendance, medicine, and nurses when necessary. The expenses so incurred, except those for disinfection, quarantine, or other measures strictly for the protection of the public health, when properly certified by the president and clerk of the board of health, or health officer where there is no board of health, shall be paid by the person or persons quarantined, when able to make such payment, and when not, by the municipality or townships in which quarantined.

SEC. 4437. No person residing in or occupying a house in which a person is suffering from smallpox, cholera, plague, typhus fever, diphtheria, membranous croup, scarlet fever, or other dangerous contagious disease shall be permitted to attend any public, private, or parochial school or college, or Sunday school, or any other public gathering until the quarantine provided in such diseases has been removed by the board of health. All school principals, Sunday school superintendents, or other persons in charge of such schools are hereby required to exclude any and all such persons until they present a written permit of the board of health to attend or reenter such schools.

SEC. 4476. On or before the 15th day of January of each year, the board of health or health department shall make a report in writing for the preceding calendar year to the council of the municipality and to the State commissioner of health. Such report shall be on the sanitary condition and prospects of such municipality, and shall contain the statistics of deaths, the action of the board and its officers and agents, and the names thereof. It shall contain other useful information, and the board shall suggest therein any further legislative action deemed proper for the better protection of life and health. Such board of health and health departments shall promptly furnish any special report called for by the State commissioner of health.

SEC. 12785. Whoever, while suffering from smallpox, cholera, plague, yellow fever, diphtheria, membranous croup, scarlet fever, or other dangerous contagious disease, willfully or unlawfully exposes himself in a street, shop, inn, theater, or other public place or public conveyance, or, being in charge of a person so suffering, so exposes such sufferer, or gives, lends, sells, transmits, or exposes, without previous disinfection by the board of health, bedding, clothing, rags, or other thing which has been exposed to infection from such disease, or knowingly lets for hire a house, room, or part of a house in which a person has been suffering from such disease, prior to the disinfection thereof by the board of health, shall be fined not more than \$100 or imprisoned not more than 90 days, or both.

SEC. 29. That said original sections 1245, 1246, 3391, 3392, 3393, 3394, 4404, 4405, 4408, 4409, 4410, 4413, 4429, 4430, 4436, 4437, 4476, and 12785 of the General Code be, and the same are hereby, repealed, but this section shall not go into effect until January 1, 1920.

Sanitary Police and Public-Health Nurses—Appointment by Local Boards of Health. (Act Feb. 28, 1919.)

SECTION 1. That section 4411 of the General Code be amended to read as follows:

Sec. 4411. The board may also appoint as many persons for sanitary duty as in its opinion the public health and sanitary conditions of the corporation require, and such persons shall have general police powers and be known as sanitary police. The board may also appoint as many persons for public health nurse duty as in its opinion the public health and sanitary conditions of the corporation require, and such persons shall be registered nurses and shall be known as public-health nurses: *Provided, however,* That where registered nurses are not available the board may appoint other suitable persons as public-health nurses.

The council may determine the maximum number of sanitary police and public-health nurses so to be appointed.

SEC. 2. That said original section 4411 of the General Code be, and the same is hereby, repealed.

Food, etc.—Misbranding. (Act Filed in Office of Secretary of State May 20, 1919.)

SECTION 1. That section 5785 of the General Code be amended to read as follows:

SEC. 5785. Food, drink, flavoring extracts, confectionery, or condiment shall be misbranded within the meaning of this chapter:

1. If the package falls to bear a statement on the label of the quantity or porportion of morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of such substances contained therein;

2. If it is labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so;

3. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package;

4. [If] In case of a flavoring extract for which no standard exists there is not printed in English, conspicuously, legibly, and clearly on the label the quantity by volume of alcohol in said extract;

5. If the package containing it or a label thereon bears a statement, design or device regarding it or the ingredients or substances contained therein which is false or misleading in any particular: *Provided*, That this section shall not apply to mixtures or compounds recognized as ordinary articles or ingredients of articles of food or drink, if each package sold or offered for sale is distinctly labeled in words of the English language as mixtures or compounds, with the name and percentage, in terms of 100 per cent of each ingredient therein.

The word "compound" or "mixture" shall be printed in letters and figures not smaller in height or width than one-half the largest letter upon any label on the package, and the formula shall be printed in letters and figures not smaller in height or width than one-fourth the largest letter upon any label on the package, and such compound or mixture must not contain any ingredient that is poisonous or injurious to health.

SEC. 2. That said original section 5785 of the General Code be and the same is hereby repealed.

Drugs—Adulteration and Misbranding. Food, etc.—Adulteration. (Act Mar. 13, 1919.)

SECTION 1. That sections 5777, 5778, and 5784 of the General Code be amended to read as follows:

SEC. 5777. A drug is adulterated within the meaning of this chapter (1) if, when sold under or by a name recognized in the * * * ninth decennial revision of the United States Pharmacopœia, or in the * * * fourth edition of the National Formulary, it differs from the standard of strength, quality or purity laid down therein; (2) if, when sold under or by a name not recognized in the * * * ninth decennial revision of the United States Pharmacopœia, or the * * * fourth edition of the National Formulary, but which is found in some other pharmacopœia, or other standard work on materia medica, it differs materially from the standard strength, quality or purity laid down in such work; (3) if its strength, quality or purity falls below the professed standard under which it is sold; (4) if it is an imitation of, or offered for sale under the name of another article; (5) if the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package; (6) if it contains any methyl or wood alcohol. (100, v. 105, sec. 3.)

SEC. 5778. Food, drink, confectionery, or condiments are adulterated within the meaning of this chapter (1) if any substance or substances have been mixed with it so as to lower or depreciate or injuriously affect its quality, strength, purity; (2) if any inferior or cheaper substance or substances have been substituted wholly, or in part, for it; (3) if any valuable or necessary constituent or ingredient has been wholly, or in part, abstracted from it; (4) if it is an imitation of, or is sold under the name of another article; (5) if it consists wholly, or in part, of a diseased, decomposed, putrid, infected, tainted, or rotten animal or vegetable substance or article, whether manufactured or not, or, in the case of milk, if it is the product of a diseased animal; (6) if it is colored, coated, polished, or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is; (7) if it contains any added substance or ingredient which is poisonous or injurious to health; (8) if, when sold under or by a name recognized in the * * * ninth decennial revision of the United States Pharmacopœia or the * * * fourth edition of the National Formulary, it differs from the standard of strength, quality, or purity laid down therein; (9) if, when sold under or by a name not recognized in the * * * ninth decennial revision of the United States Pharmacopœia or the * * * fourth edition of the National Formulary, but if [is?] found in some other pharmacopœia or other standard work on materia medica, it differs materially from the standard of strength, quality, or purity laid down in such work; (10) if the strength, quality, or purity falls below the professed standard under which it is sold; (11) if it contains any methyl or wood alcohol. (100, v. 105, sec. 3.)

SEC. 5784. A drug shall be misbranded within the meaning of this chapter: (1) If the package fails to bear a statement on the label of the quantity or proportion of grain or ethyl alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis [indica?], chloral hydrate, acetanilid, or any derivative or preparation of such substances contained therein: *Provided*, That the provisions of this section shall not apply to the prescriptions of regular licensed physicians, dentists, and doctors of veterinary medicine, nor to such drugs and preparations as are officially recognized in the * * * ninth decennial revision of the United States Pharmacopœia or the * * * fourth edition of the National Formulary, and which are sold under the name by which they are so recognized; (2) if the package containing it or any label thereon bears a statement, design, or device regarding it or the ingredients or substances contained therein which is false or misleading in any particular; (3) if the package containing it or any label thereon bears or contains any statement, design, or device regarding the curative or the therapeutic effect of such article or any of the ingredients or substances contained therein which is false and fraudulent. (103, v. 137.)

SEC. 2. That said original sections 5777, 5778, and 5784 of the General Code be, and the same are hereby, repealed.

Soft Drinks—Manufacture, Bottling, Labeling, and Sale. (Act May 10, 1919.)

SECTION 1. The term "soft drinks" as used in this act shall be held to mean and include any carbonated soda water, artificial or natural mineral water, and all other similar nonalcoholic carbonated or noncarbonated beverages.

No person, firm, or corporation shall manufacture and bottle for sale within this State any such soft drink without a license issued by the secretary of agriculture of Ohio.

Such license shall be issued only on written application stating the location at which such manufacture is to be conducted, and the applicant shall fur-

nish the secretary of agriculture with a sample of each such soft drink so proposed to be manufactured. Upon receipt of the application the secretary of agriculture shall cause an examination to be made into the sanitary conditions of such place of manufacture, and may also cause an analysis to be made of such samples, or any of them. If the buildings so to be used be found by the secretary of agriculture in a sanitary condition, and if the analysis of said samples show the same to be unadulterated and free from harmful drugs and other ingredients injurious to health, the secretary of agriculture, upon the payment of a license fee of \$50, shall cause a license to be issued authorizing the applicant to manufacture any such soft drinks as hereinafter provided. Said license shall run one year unless sooner revoked as herein provided, and shall be renewed annually thereafter upon the payment of the same fee and compliance with the same conditions.

All such soft drinks and places of manufacture of same shall be subject to inspection as hereinafter provided.

SEC. 2. No such bottled soft drink that is manufactured out of the State of Ohio shall be sold or offered for sale within this State unless the same is first inspected and analyzed and approved as above by the secretary of agriculture, and registered by him, which shall be upon a like application as above provided, and a fee of \$50 shall be paid therefor. Like samples for such inspection and analysis shall be furnished as above provided. Such registration shall be renewed annually upon the same terms and conditions, and subsequent inspections and analysis may be made by the secretary of agriculture at any time in his discretion for the purpose of ascertaining whether or not the standard and quality of such soft drinks is being maintained.

SEC. 3. No person, firm, or corporation shall sell or offer for sale, or have in his possession with intent to sell, any soda water sirup or extract or soft-drink sirup, to be used in making, drawing, or dispensing soda water or other soft drinks, without first registering his name and address and the name and address of the manufacturer thereof, and the number and variety of such sirups or extracts so intended to be sold, the trade name or brand thereof, if any be adopted, with the secretary of agriculture, together with such samples of the same as the secretary of agriculture may from time to time request for the purposes of analysis. He shall also pay into the State treasury at the time of making such registration a license fee of \$5, and said license shall not be granted by the secretary of agriculture unless he determine that said sirup or extract is free from all harmful drugs and other ingredients injurious to health. Said registration shall be renewed annually upon like terms: *Provided*, That whenever any manufacturer, agent, or seller shall have paid his fee, his agent or seller using the same shall not be required to do so.

The provisions of this section shall not apply to local sellers of soft drinks as to such sirups and extracts made by themselves for their own use exclusively.

All moneys collected by the secretary of agriculture under the provisions of this act shall be paid into the State treasury.

SEC. 4. The secretary of agriculture is authorized to appoint an inspector, in addition to those already employed in his department, whose duty it shall be to represent and assist him in the enforcement of the provisions of this act.

The secretary of agriculture shall have the power to revoke any license issued under the provisions of this act whenever he shall determine that any provisions of this act have been violated. Any person, firm, or corporation whose license has been so revoked shall discontinue the manufacture and

sale of soft drinks, sirups, and extracts until the provisions of this act have been complied with and a new license issued.

The secretary of agriculture may revoke such license temporarily until there is a compliance with such conditions as he may prescribe, or permanently for the unexpired term of such license.

SEC. 5. Before revoking any license the secretary of agriculture shall give written notice to the licensee affected, stating that he contemplates the revocation of the same and giving his reasons therefor. Said notice shall appoint a time of hearing before said secretary and may be sent by registered mail to the licensee. On the day of hearing the licensee may present such evidence to the secretary as he deems fit, and after hearing all the testimony the secretary shall decide the question in such manner as to him appears just and right.

SEC. 6. Any such person whose license has been revoked or registration canceled, as above provided, who feels aggrieved at the decision of the secretary of agriculture may appeal from said decision within 10 days to the common pleas court of Franklin County, or of the county in which such manufactory or the principal place of business of such seller of sirups and extracts is located, and issue shall be made up in said court upon said appeal, and the same shall be tried and disposed of therein.

SEC. 7. For the purpose of this act a bottled soft drink, except pure non-alcoholic fruit juices, shall consist of a beverage made from pure cane or beet sugar sirup containing pure flavoring materials with or without added fruit acid, with or without added color, and shall contain in the finished product not less than 7 per cent sugar: *Provided*, That nothing in this act shall prohibit the use of any other harmless ingredient in the manufacture of such soft drinks, but any substitute for sugar used in such manufacture shall be equal in sweetening power to 7 per cent cane or beet sugar, and the use of saccharin is prohibited: *And provided further*, That, whenever artificial coal-tar colors are used, nothing but the certified colors as approved by the Federal Government are permissible. The provisions of this section shall not apply to retailers who do not bottle soft drinks, except as to saccharin: and all bottled soft drinks not in compliance with the standards established by this act shall be deemed to be adulterated. All adulterations of any of the drinks, extracts, or other articles mentioned in this act shall be unlawful.

SEC. 8. Whenever artificial colors and artificial flavors are used in the manufacture of soft drinks to imitate a natural product, the bottle or other container shall be distinctly labeled. "Artificially colored and flavored" by a printed label upon the side thereof, or said words may be upon the metal crown or cap thereof. All other nonalcoholic ciders, frutiades, fruit juices, or other similar drinks that are made in imitation of the natural product shall be properly and distinctly labeled in the manner above provided with the word "Imitation" followed by the name of the beverage. If the drinks and beverages above mentioned and containing artificial coloring or artificial flavoring of any character are sold in bulk, label or sign containing the words "Artificially colored, artificially flavored," or "Artificially colored, imitation flavor," and printed or painted in letters not less than 1 inch long and of appropriate comparative width, shall be displayed in a conspicuous place on the counters or shelves or on all stands, booths, or other places where such drinks or beverages are sold or dispensed. When such drinks or beverages contain artificial color and natural fruit flavor it shall be sufficient to label the same "Artificially colored." When they contain artificial flavors and no artificial color they may be labeled "Artificial flavor" or "Imitation flavor."

SEC. 9. All manufactured waters, whether compounded and made in imitation of specified natural water or not, shall be labeled either as "artificial" or

"imitation." The word "artificial" or "imitation" shall be placed at the top of the label and shall be in letters of a size equal to or greater than any other wording on the label and equally as prominent, and the label shall have a uniform background.

All natural waters which have anything added to them or abstracted from them shall be labeled in the same manner with either of said words, and the manner in which the same has been so altered shall be clearly stated on the label.

Waters made in imitation of any natural spring water or mineral water and bearing the name of such spring water or mineral water, as provided above, shall contain the same chemical ingredients and composition as the natural water after which they are so named.

All mineral waters, whether of natural or artificial origin, sold or offered for sale must be of good quality when judged by the results of the sanitary chemical analysis, special significance being attributed to the presence of nitrite, to free ammonia in excess of 0.05 milligram per liter, and to an undue amount of organic matter, if not so found, they shall be deemed to be adulterated.

SEC. 10. All bottles except siphons used in the manufacture of soft drinks before being filled shall be sterilized by soaking in a hot caustic solution of not less temperature than 120° F., that shall contain not less than 3 per cent caustic or alkali expressed in terms of sodium hydrate for a period of not less than five minutes, then thoroughly rinsed in clean water until free from alkali or sodium hydrate. Each and every bottle so sterilized when filled with a soft drink must be distinctly labeled with the true name thereof in the manner above provided.

SEC. 11. All buildings, stores, factories, or other places where such soft drinks are manufactured or bottled shall be well lighted and ventilated and shall be kept at all times in a clean and sanitary condition. All machines, bottles, jars, or other utensils used in the manufacture of soft drinks shall be kept at all times in a clean and sanitary place and in a sanitary condition.

SEC. 12. No bottles shall be used in the manufacture of soft drinks in which the metal or rubber part of the stopper comes in contact with the beverage.

The provisions of this section shall not apply to carbonated water put up in "siphons."

SEC. 13. The secretary of agriculture shall enforce the provisions of this act and shall make suitable rules and regulations for carrying out its provisions.

SEC. 14. Any person, firm, or corporation who shall do any of the acts or things prohibited, or neglect or refuse to do any of the acts or things required by this act, or in any way violates any of its provisions, or who neglects or refuses to comply with any order of the secretary of agriculture, or in any manner obstructs or resists him in the performance of his duties, shall be deemed guilty of a misdemeanor and fined not more than \$100; and for the second or subsequent offense may be fined a like sum or imprisoned in the county jail for a period of not more than 90 days, or both, at the discretion of the court.

Ice-Cream Parlors and Soda Fountains—Sanitary Regulation—Cleaning of Utensils. (Reg. Dept. of H., Aug. 22, 1919.)

RULE 1. In order that the sale of ice cream, sodas, soda-fountain sundries, and other beverages may be conducted under sanitary conditions the operators of ice-cream parlors, soda fountains, and other establishments serving beverages are hereby instructed that all such goods shall be dispensed only in clean or

sterile containers. To this end it is ordered that all such establishments be provided with facilities for the thorough cleansing of dippers, glasses, spoons, serving dishes, and any other vessel or utensil coming in contact with ice cream, sodas, soda-fountain sundries, or other beverages.

RULE 2. Facilities for the cleansing or sterilization of dippers, glasses, spoons, serving dishes, and any other vessel or utensil coming in contact with ice cream, sodas, soda-fountain sundries, or other beverages shall include—

(a) An adequate supply of hot and cold water of a quality suitable for drinking purposes.

(b) Suitable arrangements for supplying boiling water, live steam, or hot air at a temperature of not less than 250° F.

(c) Suitable provision for taking care of clean or sterile glasses, dishes, etc., so as to keep same clean until wanted for use.

(d) Spoons must be exposed to boiling water, live steam, or hot air at not less than 250° F. for a period of not less than five minutes.

RULE 3. All dishes and utensils after each individual service shall be first washed by rinsing in cold water, then thoroughly washing in hot water with soap or suitable cleansing powder, or exposed to live steam, boiling water, or hot air at a temperature of not less than 250° F. for a period of five minutes, then rinsing in clean cold water and draining.

In lieu of the above requirement or when it is found impossible or inexpedient to use live steam, boiling water, or hot air, sterile dishes, cups, and spoons manufactured from paper, wood, or any other suitable material, and handled in a sanitary manner, and used for one service only, will be allowed.

RULE 4. Refrigerators at soda fountains shall be kept clean by washing with hot water and soap or washing powder.

RULE 5. Employees in such establishments shall be cleanly in person and dress, free from infectious and contagious disease, and trained in the conduct of their work.

RULE 6. The use of straws is forbidden except when such straws are protected from dust, dirt, and handling by employees or others.

RULE 7. As soon as empty all ice-cream containers, milk and cream cans shall be thoroughly rinsed with cold water and covered so that no foreign matter may enter said containers or cans.

RULE 8. The foregoing orders and regulations (rules 1-7, inclusive) shall take effect and be in force on and after November 1, 1919.

Commercial Canneries—Inspection—Sanitary Regulation—Employees—Licenses—Publication of Reports and Information by Secretary of Agriculture. (Act May 10, 1919.)*

SECTION 1. All commercial vegetable and fruit canneries located within the State of Ohio shall be under the supervision and subject to the regulations of the secretary of agriculture. For the purpose of this act a commercial cannery is hereby defined to be a place or building where fruits or vegetables are packed in hermetically sealed containers and sterilized, and the products of which are placed on the market for general consumption as human food, but shall not be held to include private homes where farmers or others pack such fruits and vegetables for their own use and make occasional sales of a surplus thereof. At such times as the secretary of agriculture may deem proper he shall cause to be inspected all such canneries where fruits or vegetables are packed and preserved, and shall require the correction of all insanitary conditions, and may enter and search all places in or about the premises of any such cannery for the purpose of such inspection and investigation.

SEC. 2. The secretary of agriculture shall appoint and assign, upon the passage of this act, an efficient and experienced inspector of canneries who has a thorough knowledge of the canning business, who shall have charge of such inspection, and whose duties it shall be to visit and inspect commercial fruit and vegetable canneries as often as may be required; see that such canneries and the operation thereof shall comply with the provisions of this act and with the regulations made by the secretary of agriculture hereunder; superintend the work of special inspectors stationed at canneries; and make reports thereof to the secretary of agriculture.

SEC. 3. The secretary of agriculture shall, whenever he deems it necessary, furnish an efficient special inspector to be stationed at a commercial cannery or group of canneries while in operation, who shall see that such canneries and the operation thereof shall at all times comply with the provisions of this act and with such regulations made by the secretary of agriculture and that none but fit, wholesome, and sound raw material is used in the preparation of such canned food products.

SEC. 4. Fruits or vegetables unfit for human food shall not be packed at any cannery and shall be condemned as being unfit for such use by the inspector of canneries or by such special inspector.

SEC. 5. Any person, firm, or corporation owning or operating such cannery where fruits or vegetables are packed, canned, or preserved in hermetically sealed containers to be sold as food may label and sell the same as having been packed in compliance with the laws of Ohio and the regulations of the secretary of agriculture: *Provided*, The person, firm, or corporation packs, cans, or preserves a product which is made from sound, fit, and wholesome raw materials and which is absolutely free from chemical coloring matter and adulterants of any kind and whose canneries and cannery operations comply with the provisions of this act and the regulations of the secretary of agriculture. The secretary of agriculture shall furnish to each cannery that shall have fully complied with the provisions of this act and with such regulations a certificate of inspection that such cannery has been inspected and has complied with all such laws and regulations. The secretary of agriculture may authorize the owner, owners, or operators of such canneries to use a label or certificate on his products to read substantially as follows: "Packed and inspected in compliance with the laws of Ohio and regulations of the department of agriculture," or such other device or certificate with the words "Inspected and approved" thereon, as the secretary of agriculture may from time to time designate by published regulations.

SEC. 6. No commercial cannery shall be located in an insanitary place or one which can not be made sanitary or maintained in a sanitary condition, or where it is impossible to receive the raw material in a cleanly manner without danger of damage or contamination, or where sewage, garbage, and other refuse can not be quickly and effectively removed.

SEC. 7. All garbage and waste material shall be removed daily to a distance of not less than 100 feet from any building used in preparing or handling fruits and vegetables intended for canning: *Provided, however*, That this section does not apply to the storage upon the premises of a cannery of by-products in silos or other structures or containers or in stacks, if such storage is made in an approved manner and is not a direct menace to proper sanitation.

SEC. 8. Horses, cattle, or other live stock shall not be kept or fed within 75 feet of any building, shed, room, or place while used for the preparation of canned fruits or vegetables or for the storage of raw materials intended for canning.

SEC. 9. Any building used in the preparation or handling of fruits or vegetables intended for canning shall be suitably ventilated and lighted either by artificial or natural means. All floors in such buildings shall be so constructed as to permit proper washing or cleaning and sufficient drains, gutters, or sewers provided to insure the proper removal of water and liquid waste. First floors shall be waterproofed in such manner as will prevent the ground below from becoming wet, sloppy, or insanitary.

SEC. 10. Separate toilet rooms for each sex shall be provided upon the premises of all canneries, said toilets to be completely separated from workrooms by tight partitions and properly lighted and having an opening to the outside air. When outdoor toilets without modern plumbing and sewerage systems are used, such toilets shall be located at least 75 feet from any building, room, or place used in the preparation or canning of fruits and vegetables. All doors, windows, and other openings in toilets, whether same be located within buildings or out of doors, shall be screened against flies.

SEC. 11. Wash rooms, wash stations, or lavatories for employees shall be provided in or adjacent to rooms or places used for the preparation or canning of fruits and vegetables, and such rooms or stations must be properly lighted and ventilated and provided with facilities necessary for keeping them in a sanitary condition.

SEC. 12. It shall be unlawful for any person to smoke or to spit on floors or walls in any room or building where fruit or vegetables intended for canning are being prepared or handled.

SEC. 13. Persons affected with tuberculosis or other communicable disease shall not be employed in or about any commercial cannery.

SEC. 14. All employees who assist in preparing or handling fruit and vegetables intended for canning shall wear clean garments of washable fabrics, and all female employees engaged in the same work shall wear clean, washable caps covering the hair.

SEC. 15. All machinery, belts, chains, conveyors, utensils, and other equipment used in the preparation or handling of food or materials intended for food in commercial canneries shall be thoroughly cleaned daily and kept in a clean and sanitary condition. All cans and other containers intended for the hermetic sealing of such food products shall be washed, steamed, or sterilized before filling.

SEC. 16. All fruits and vegetables in preparation for canning shall be thoroughly washed or cleaned before being scalded, blanched, cooked, or filled into containers.

SEC. 17. Only potable water shall be used for making sirups or brine for canned fruits or vegetables or for washing equipment coming in contact with such material intended for canning.

SEC. 18. No person, firm, or corporation shall engage in the business of operating a commercial cannery without first obtaining a license for the operation of each such cannery from the secretary of agriculture.

In order to obtain such license, an application shall be made, for which the secretary of agriculture may prescribe the form and which shall be accompanied by a fee of \$15. The secretary of agriculture shall thereupon cause an investigation to be made; and if it be found that the applicant is supplied with the facilities necessary for complying with this act, and that such commercial cannery is in sanitary condition, such license shall be issued and shall run for one year and shall be thereafter renewed upon the same conditions and payment.

The secretary of agriculture may suspend any such license temporarily for failure to comply with the provisions of this act or any regulation or order

made by him hereunder, and shall have the power finally to revoke the same for such cause.

Before any such suspension or revocation of a license is made the secretary of agriculture shall give written notice to the licensee that he contemplates the suspension or revocation of the same and giving his reasons therefor. Such notice shall appoint a time for hearing before said secretary of agriculture and may be sent by registered mail to the licensee. On the day of the hearing the licensee may present such evidence as he desires and after hearing the evidence the secretary of agriculture shall decide the matter in such manner as to him appears just and right.

A licensee shall have the right to appeal to the board of agriculture from any such decision of the secretary of agriculture, suspending or revoking his license, within three days from the time of receiving notification of such suspension or revocation, and such appeal shall stay the enforcement of such suspension or revocation until the decision of the board of agriculture. The board of agriculture shall fix a time for hearing such appeal and give such licensee opportunity to be heard and to produce evidence; and, after hearing such evidence, the board of agriculture shall either affirm or disaffirm or modify said decision of the secretary of agriculture.

SEC. 19. At such times as the secretary of agriculture may deem proper, he shall issue public bulletins of information, report and publish the conditions found in canneries, furnish and disseminate information regarding the canning industry and for that purpose may arrange for educational exhibits, demonstrations, public meetings; and give instructions to processors, superintendents, and managers of canneries as to the meaning and interpretation of this act and the regulations made by him hereunder. Such information shall be available to any person who is a resident of this State, and those now engaged in the business of canning, and to those who may hereafter engage therein who may properly apply therefor.

SEC. 20. The secretary of agriculture is hereby authorized to use funds available from the appropriations made for the general use of his department to enable him to carry this act into effect.

SEC. 21. The secretary of agriculture shall enforce the provisions of this act and shall make suitable rules and regulations for carrying out its provisions.

SEC. 22. Whoever shall, without authorization by the secretary of agriculture and without inspection by the inspector of canneries or special inspectors appointed by the secretary of agriculture, use the certificate or label as provided for in section 4 of this act, or any other device authorized by the secretary of agriculture, or who shall use any raw materials, articles, or substances forbidden to be used in canning, or who shall violate any of the provisions of this act shall be guilty of a misdemeanor and shall upon conviction for the first offense be fined not less than \$50 nor more than \$200 and for the second offense shall be fined not less than \$100 nor more than \$500, or imprisoned in the county jail for not less than 10 days nor more than 60 days, or both.

Hotels and Restaurants—Licenses—Sanitary Regulation—Employees—Inspection—Creation of Hotel Division in Office of State Fire Marshal. (Act May 10, 1919.)

SECTION 1. There is hereby created in the department of the State fire marshal of the State of Ohio a division of said department to be known as the hotel division, and to be administered as hereinafter set forth. The State fire marshal is hereby authorized and required to make such rules and regulations

as are necessary to carry out the provisions of this act. With his deputies and assistants he shall enforce the provisions herein set forth. He shall give a bond to the State in such amount as may be fixed by the governor.

SEC. 2. Every building or other structure kept, used, maintained, advertised, or held out to the public to be a place where food is served and sleeping accommodations are offered for pay to transient guests, in which five or more rooms are used for the accommodation of such guests, and having one or more dining rooms or cafés where meals or lunches are served to such transient guests, such sleeping accommodations and dining rooms being conducted in the same building or in buildings in connection therewith, and every building or other structure kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered for pay to transient guests, in which five or more rooms are used for the accommodation of such guests, shall, for the purposes of this act, be deemed a hotel.

SEC. 3. Every building or other structure kept, used, maintained, advertised, or held out to the public to be a place where meals or lunches are served for consideration, without sleeping accommodations, shall, for the purpose of this act, be defined to be a restaurant.

SEC. 4. On or before January 1, 1920, and each year thereafter, every person, firm, or corporation now engaged in the business of conducting a hotel or restaurant, or both, in all cities of the State and all villages of more than 2,500 population, and every person, firm, or corporation who shall hereafter engage in conducting such business, in such cities and villages, shall procure a license for each hotel or restaurant so conducted or proposed to be conducted: *Provided*, That one license shall be sufficient for each combined hotel and restaurant where both are conducted in the same building and under the same management. No hotel or restaurant shall be maintained and conducted in any city or village of more than 2,500 population in this State after the taking effect of this act without a license therefor. No license shall be transferable without the consent of the State fire marshal.

Provided, however, That a license to maintain and operate a hotel shall not be issued to the keeper, owner, or lessee of any hotel, nor the keeper or owner of a rooming or boarding house, where accommodations for assignation purposes are furnished, nor to any keeper, owner, or lessee who has been convicted of keeping a place in violation of the law relating to houses of assignation or places of public nuisance.

SEC. 5. The annual fee for a license to conduct a hotel, rooming house, or restaurant in any city or village of more than 2,500 inhabitants in this State shall be as follows:

For hotel, dining room, and restaurant combined, or hotel without a restaurant, containing less than 15 sleeping rooms, \$5; for all hotels containing 15 or more and less than 50 sleeping rooms, \$10; for all hotels containing more than 50 and less than 200 sleeping rooms, \$15; for all hotels containing more than 200 and less than 400 sleeping rooms, \$20; for all hotels containing more than 400 sleeping rooms, \$25; for all restaurants in any city or village of more than 2,500 inhabitants where no hotel license is granted, and where said restaurant is separate from the management of a hotel and has a seating capacity of less than 25 persons, \$3; and when such restaurant has a seating capacity of over 25 persons, \$5.

Each fee must be paid to the State fire marshal before such license is issued and such fee shall be paid into the State treasury and placed to the credit of the special fund for maintenance of the office of the State fire marshal.

Where a license has been issued to a hotel or restaurant the same shall be kept in the office of such hotel or restaurant or displayed in a conspicuous and

public manner therein. Such license may be canceled by the State fire marshal at any time when for violation of any law or regulation of a board of health.

SEC. 6. In every hotel or restaurant the person, firm or corporation operating which is required to have a license by the provisions of this act, the kitchen, dining room, cellar, office, ice boxes, refrigerators, and all places where foods are prepared, kept, or stored, shall be kept clean and in a sanitary condition. The toilets and out-closets shall at all times be kept in a clean and sanitary condition in such restaurants and hotels. All garbage, tin cans, and kitchen refuse must be kept in a tight, metal can with a lid encircling the top of the can and said contents must be removed once daily. The dining rooms, kitchen, and pantries where food is kept, stored, or served must be thoroughly screened from flies and insects. Serving tables, trucks, trays, boxes, buckets, knives, saws, cleavers, and other utensils and machinery used in moving, handling, cutting, chopping, mixing, or serving foods are required to be thoroughly sterilized daily by hot water or steam, and thoroughly cleaned and the clothes and hands of cooks, stewards, waiters, and persons handling food must be clean and sanitary.

In all restaurants and hotels where food is on display the same shall have full protection from dust, dirt, flies, and vermin by being kept under a glass case.

SEC. 7. No person suffering from or afflicted with tuberculosis, a venereal or a contagious disease shall be employed in or about any part of a restaurant or its kitchen, or handle foodstuffs or products used therein, and the State fire marshal or his deputies shall have the power to compel a person handling foodstuffs in any restaurant or hotel to present a certificate from a reputable physician showing him or her to be free from any infectious or contagious disease.

SEC. 8. It is hereby made a duty of the State fire marshal to inspect or cause to be inspected, at least once annually, every hotel and restaurant which comes within the provision of this act, and for that purpose he shall have the right of entry thereto at any reasonable time. Whenever, upon such inspection, it shall be found that such business and property so inspected is not being conducted, or is not equipped, in the manner and condition required by the provisions of this act or the health laws of this State, it shall thereupon be the duty of the State fire marshal to notify the owner, proprietor, or agent in charge of such business, or the owner or agent of the building so occupied, of such changes or alterations as may be necessary to effect a complete compliance with the provisions of this act, or the health laws of the State. It shall therefore be the duty of such owner, proprietor or agent in charge of such business to make such alterations or changes as may be necessary and put such building and premises in such condition that will fully comply with the requirements of this act within 30 days after being-notified by the State fire marshal.

SEC. 9. Whoever shall fail or refuse to comply with the provisions of this act shall be deemed guilty of a misdemeanor and shall be subject to a fine of \$10 for each day that such violation is continued. If any such violation continue for more than 30 days, the building and premises involved may be closed for use as such hotel or restaurant until all the provisions of this act shall be complied with to the satisfaction of the State fire marshal.

SEC. 10. Every hotel and restaurant in this State shall have proper plumbing, lighting, and ventilation, which shall conform to the provisions of the building code so far as they apply.

SEC. 11. In all cities and villages where a system of waterworks and sewerage is maintained for public use, every hotel and restaurant coming under this act shall within six months after the taking effect of this act be equipped with a sufficient number of suitable water-closets for the accommodation of its guests, which water-closets shall be ventilated and connected by proper plumbing with such sewerage system. All lavatories, bathtubs, sinks, drains, closets,

and urinals in such hotels or restaurants shall be properly constructed and shall be kept clean and well ventilated at all times. Separate apartments shall be furnished for different sexes, each being properly designated.

SEC. 12. All hotels shall provide each bed, bunk, cot, or other sleeping place for the use of guests with pillow slips and under and top sheets. Such top sheets shall be at least 90 inches in length. Such sheets and pillow slips shall be made of white cotton or linen, and all such sheets and pillow slips, after being used by one guest, shall be washed and ironed before being used by another guest.

SEC. 13. All bedding, including mattresses, quilts, blankets, pillows, sheets, and comforts used in any hotel or rooming house in this State must be thoroughly aired, disinfected, and kept clean; and no bedding which is infested with vermin or bedbugs shall be used on any bed in any hotel or rooming house. All floors, carpets, and equipment in hotels and restaurants, and all walls and ceilings shall be kept in a clean and sanitary condition at all times.

SEC. 14. When any room has been occupied by a person having an infectious or contagious disease, such room shall not be used again until thoroughly fumigated and the bedding and pillows therein disinfected.

SEC. 15. No cot, bed, or bunk may be kept or used for sleeping purposes in any room in which foodstuffs are prepared or cooked.

All notices to be served by the State fire marshal, provided for in this act, shall be in writing and shall be either delivered personally or by United States mail addressed to the owner, agent, lessee, or manager of such building and premises, or the owner, lessee, agent, or manager of such hotel or restaurant.

SEC. 16. The prosecuting attorney of each county is hereby authorized and required upon complaint of the State fire marshal or other person representing him to prosecute to termination before any court of competent jurisdiction a proper action or proceeding against any person or persons violating any provision of this act.

SEC. 17. The State fire marshal, his deputies and assistants, shall accept no gift or gratuity in any form from any hotel or restaurant under penalty of summary dismissal.

SEC. 18. Nothing in this act shall release villages of 2,500 population or less from the sanitary and health provisions herein required of such villages.

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Streams and Water Supplies—Correction of Conditions Causing Pollution of. (Act May 10, 1919.)

SECTION 1. That sections 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1259-1, 1260, and 1261 be amended to read as follows, and that section 1258 be supplemented by the addition of sections 1258-1, 1258-2, 1258-3, 1258-4, 1258-5, 1258-6, 1258-7, 1258-8.

SEC. 1249. Whenever the council or board of health, or the officer or officers performing the duties of a council or board of health, of a city or village, the commissioners of a county, the trustees of a township, or 50 of the qualified electors of any city, village, or township, or the managing officer or officers of a public institution set forth in writing to the State department of health that a city, village, public institution, corporation, partnership, or person is discharging or is permitting to be discharged sewage or other wastes into a stream, watercourse, canal, lake, or pond, and is thereby creating a public nuisance detrimental to health or comfort, or is polluting the source of any public water supply, the commissioner of health shall forthwith inquire into and investigate the conditions complained of.

SEC. 1250. If the commissioner of health finds that the discharge of sewage or other wastes from a city, village, or public institution, or by a corporation, partnership, or person, has so corrupted a stream, watercourse, canal, lake, or pond, as to give rise to foul and noxious odors, or to conditions detrimental to health or comfort, [or?] the source of public water supply of a city, village, community, or public institution is subject to contamination, or has been rendered impure by such discharge of sewage, or other wastes, he shall notify the mayor or managing officer, or officers of such city, village, public institution or corporation, partnership, or person of his findings and of the time and place when and where a hearing may be had before the public health council. The notice herein provided shall be by personal service or by registered letter.

SEC. 1251. After such hearing if the public health council shall determine that improvements or changes are necessary and should be made, the commissioner of health shall notify the mayor or managing officer or officers of such city, village, public institution, or corporation, partnership, or person to install works or means, satisfactory to the commissioner of health, for purifying or otherwise disposing of such sewage or other wastes, or to change or enlarge existing works, in a manner satisfactory to the commissioner of health. Such works or means must be completed and put into operation within the time fixed in the order. The order of the commissioner of health and the time fixed for making the improvements or changes shall be approved by the public health council, and notification shall be had by personal service upon or by registered letter to the mayor or managing officer or officers of the city, village, public institution, or corporation, partnership, or person to whom said order shall apply. But no city or village discharging sewage into a river which separates the State of Ohio from another State shall be required to install sewage purification works so long as the unpurified sewage of cities or villages of another State is discharged into such river above such city or village of this State.

SEC. 1252. Whenever the board of health, or officer or officers performing the duties of a board of health of a city or village or 10 per cent of the electors thereof, of the managing officer or officers of a public institution, shall file with the State department of health a complaint, in writing, setting forth that it is believed that the public water supply of such city or village, or public institution, is impure and dangerous to health, the State commissioner of health shall forthwith inquire into and investigate the conditions complained of.

SEC. 1253. If the commissioner of health finds that the public water supply of a city, village, or public institution is impure and dangerous to health and that it is not practicable to sufficiently improve the character of such supply by removing the source or sources of pollution affecting it, or if the commissioner of health finds that such water supply is being rendered impure and dangerous to health by reason of improper construction or inadequate size of existing water purification works, he shall notify such city, village, or public institution, corporation, partnership, or person owning or operating such water supply or waterworks of his findings and of the time and place when and where a hearing may be had before the public health council. Such notice shall be by personal service or shall be sent by registered letter to the mayor or managing officer or officers of the city, village, public institution, or corporation, partnership, or person owning or operating such water supply or waterworks.

SEC. 1254. After such hearing, if the public health council shall determine that improvements or changes are necessary and should be made, the commis-

sioner of health shall notify the mayor or managing officer or officers of the city, village, public institution, or corporation, partnership, or person owning or operating such water supply or waterworks, to change the source of supply, or to install and place in operation water purification works or device satisfactory to the commissioner of health, or to change or enlarge existing water purification works in a manner satisfactory to said commissioner. The order of the commissioner of health and the time fixed for making the improvements or changes shall be approved by the public health council and notification shall be had by personal service upon or by registered letter to the mayor or managing officer or officers of the city, village, public institution, or corporation, partnership, or person to whom said order shall apply.

SEC. 1255. When the commissioner of health finds upon investigation that any water purification or sewage treatment works, on account of incompetent supervision or inefficient operation is not produced, an effluent of such quality as might be reasonably obtained from such water purification or sewage treatment works, and by reason of such neglect the public water supply has become impure and dangerous to health, or that a stream, watercourse, canal, lake, pond, or body of water has become offensively polluted or has become a public nuisance or that a public water supply taken from such stream, watercourse, canal, lake, pond, or body of water has been rendered impure and dangerous to health, the commissioner of health shall issue an order to the mayor or managing officer or officers of the city, village, public institution, or corporation, partnership, or person having charge of or owning such water purification or sewage treatment works, to secure an effluent of such quality as might be reasonably expected from such works, and satisfactory to the commissioner of health.

SEC. 1256. If the managing officer or officers of such city, village, public institution, or corporation, partnership, or person fails for a period of five days after receiving such order to secure an effluent satisfactory to the commissioner of health, the commissioner of health shall report the fact to the public health council, and upon its approval may order such managing officer or officers or person owning such works to appoint within 10 days and pay the salary of a competent person, to be approved by the commissioner of health, to take charge of and operate such works as to secure the results demanded by the commissioner of health.

SEC. 1257. If the findings or order of the commissioner of health, when approved by the public health council and made in pursuance of the provisions of this chapter relating to stream pollution and public water supply, are not acceptable to any city, village, public institution, corporation, or owner effected [sic] thereby, such city, village, public institution, corporation, or owner shall have the right of appeal, as follows: Two reputable and experienced sanitary engineers shall be chosen, one by the city, village, public institution, corporation, or owner, and the other by the commissioner of health, who shall not be a regular employee of the State department of health. Such persons shall act as referees. If the referees so chosen are unable to agree, they shall choose a third engineer of like standing, and the vote of the majority shall be final. As soon as such referees are chosen, the commissioner of health shall file with them a certified copy of the complaint and the findings and order of the State department of health, and it shall be the duty of such referees to investigate the conditions complained of and to determine if such findings are correct and if the order provides a proper remedy for such conditions. The appeal provided for in this section shall be made within 30 days from the date of service of the order upon the mayor or managing officer or officers of the city, village, public institution, or corporation, or owner, and notice thereof in

writing shall be served upon the commissioner of health by personal service for which there shall be acknowledgment, or sent by registered letter.

SEC. 1258. Such referees may affirm or reject the findings or order of the commissioner of health or may modify such order as to the time within which improvements or changes shall be made, and their decision, which must be in writing and be made within a reasonable time, shall be reported to the commissioner of health and to the city, village, public institution, corporation, or owner, and shall be final except as hereinafter provided. If said findings and order shall be approved or modified by said referees, the order shall be enforced by the commissioner of health in the manner provided for in this chapter. The fees and expenses of the referee appointed by the commissioner of health shall be paid from funds appropriated to the State department of health for such purpose. The fees and expenses of the referee appointed by the city, village, public institution, corporation, or owner shall be paid by the city, village, public institution, corporation, or owner making such appeal. The fees and expenses of the third referee shall be equally divided between the State department of health and the city, village, public institution, corporation, or owner making appeal.

SEC. 1258-1. Where an order of the commissioner of health to a corporation, partnership, or person owning and operating a waterworks is approved or modified by the referees provided for in sections 1257 and 1258 of the General Code, or if such corporation, partnership, or person shall accept such order without appeal to such referees and it shall be claimed by such corporation, partnership, or person that the revenues derived from the operation of such waterworks are not sufficient to warrant the expense of making the improvements or changes so ordered, an application may be made to the Public Utilities Commission of Ohio for authority to make and collect additional charges from the water consumers and users of the utility's service. Upon the filing of such application the commission shall fix a time for the hearing thereof and give notice thereof to the mayor of the municipality and the State commissioner of health, and if upon hearing the public utilities commission shall determine and find that the rates theretofore authorized to be charged will not provide revenue sufficient to operate said waterworks and make a reasonable return upon the investment after such improvements and changes are made, it shall by order authorize the collection of such additional charges and compensation as may under all the circumstances be just and reasonable.

SEC. 1258-2. An order as made by the commissioner of health or as approved or modified by the referees as herein provided shall be reversed, vacated, or modified by the supreme court on a petition of error if upon consideration of the record such court is of the opinion that such order was unlawful and unreasonable.

SEC. 1258-3. The proceeding to obtain such reversal, vacation, or modification shall be by petition in error, filed in the supreme court by the municipal corporation, managing board, or officer of a public institution, corporation, partnership, or person to which such order of the commissioner of health shall apply, setting forth the errors complained of; thereupon, unless the same is duly waived, a summons shall issue and be served, as in other cases, upon the commissioner of health, or in his absence by leaving a copy at his office at the city of Columbus.

SEC. 1258-4. Upon service or waiver of summons in error the commissioner of health shall forthwith transmit to the clerk of the supreme court a transcript of his journal entries, original papers or transcripts thereof and a certified copy of all evidence adduced upon the hearing before the public health council in the proceeding complained of, which shall be filed in said court.

SEC. 1258-5. No proceeding to reverse, vacate, or modify an order of the commissioner of health shall be deemed commenced unless the petition therefor is filed within 30 days after service of the order upon the mayor or managing officer or officers of the municipal corporation, public institution, or corporation, partnership, or person to whom such order shall apply. Or if there has been an appeal to referees then such petition shall be filed within two weeks after the determination of such appeal and due notice thereof. A proceeding to reverse, vacate, or modify an order of the commissioner of health shall operate to stay execution thereof until the supreme court shall render a decision thereon.

SEC. 1258-6. No court other than the supreme court shall have the power to review, suspend, or delay any order of the commissioner of health, or enjoin, restrain, or interfere with the commissioner of health or public health council in the performance of official duties required or power exercised under the provisions of this act.

SEC. 1258-7. All orders heretofore issued or promulgated by the State board of health or by the State department of health, shall continue in full force and have the same effect as though they had been lawfully made, issued, or promulgated under the provisions of this act.

SEC. 1258-8. Each section of this act and every part thereof is hereby declared to be an independent section, and part of a section, and the holding of a section or part of a section thereof to be void or ineffective for any cause shall not be deemed to affect any other section or part thereof.

SEC. 1259. Each municipal council, department, or officer having jurisdiction to provide for the raising of revenues by tax levies, sale of bonds, or otherwise shall take all steps necessary to secure the funds for any such purpose or purposes. When the funds are so secured, or the bonds therefor have been authorized by the proper municipal authority, such funds shall be considered as in the treasury and appropriated for such particular purpose or purposes, and shall not be used for any other purpose. The bonds authorized to be issued for any such purpose or purposes shall not exceed 3 per cent of the total value of all property in any city or village, as listed and assessed for taxation, and may be in addition to the total bonded indebtedness of such city or village otherwise permitted by law. The question of the issuance of such bonds shall not be required to be submitted to a vote of the electors.

SEC. 1259-1. Interest and sinking fund levies on account of bonds issued under section 1259 of the General Code, in compliance with orders of the State commissioner of health, shall be exempt from all the limitations on tax levies provided by sections 5649-2 and 5649-3a of the General Code. Such levies shall also be exempt from the limitations provided by section 5649-5b of the General Code, if the question of making such additional levy shall be submitted to the electors of the municipality issuing, or proceeding to issue, such bonds in the manner provided in sections 5649-5 and 5649-5a of the General Code, and the same is approved by a majority of the electors voting on such question; and the proper legislative authorities of any such municipal corporation are hereby authorized to submit such question in the manner provided in said sections of the General Code at any regular election or at a special election. The number of years for which such levy shall be authorized shall not be required to be printed on the ballot, and the approval of the electors shall constitute sufficient authority for the making of such additional levy annually, during the time for which the bonds are to run, or until the same are redeemed, or the redemption thereof with interests is fully provided for.

SEC. 1260. If a council, department, or officer of a municipality, or person, partnership, or private corporation fails or refuses for a period of 30 days after

notice given him or them by the commissioner of health of his findings and order and the approval thereof by the public health council, to perform any act or acts required of him or them by this chapter relating to stream pollution and public water supply, the members of such council or department, or such officer or officers, person, partnership, or private corporation shall be personally liable for such default and shall forfeit and pay to the State of Ohio \$500 to be paid into the State treasury to the credit of the general revenue fund.

SEC. 1261. An action may be begun for the recovery of such penalty by the prosecuting attorney of a county in the name of the State in the court of common pleas of such county having jurisdiction of any such party or parties, or it may be begun by the attorney general in such county or the county of Franklin, as provided by law. The court of common pleas upon good cause shown may, at its discretion, remit such penalty or any part thereof.

SEC. 2. That said original sections 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1259-1, 1260, and 1261 of the General Code be and the same are hereby repealed.

Public Water Supplies and Waterworks Systems in County Sewer Districts—Acquisition, Construction, Maintenance, and Operation. (Act May 16, 1919.)

SECTION 1. That sections 6602-17, 6602-20, 6602-26, and 6602-32 of the General Code be amended to read as follows:

SEC. 6602-17. For the purpose of preserving and promoting the public health and welfare and providing fire protection the boards of county commissioners of the several counties of this State may by resolution acquire, construct, maintain, and operate any public water supply or waterworks system within their respective counties not outside of any established sewer district. In this act "public water supply" shall mean any or all of the following: Wells, springs, streams, or other source of water supply, pumping equipment, treatment or purification plants, distributing mains, cisterns, reservoirs, necessary equipment for fire protection, other equipment, and lands, rights of way, and easements necessary for the proper development and distribution of the supply. Any board of county commissioners may acquire, construct, maintain, and operate such public water supply and may provide for the protection thereof and prevent pollution and unnecessary waste thereof. By contract with any municipal corporation or any person, firm, or private corporation furnishing a public water supply within or without their county, they may provide such supply of water to such sewer district or districts from the waterworks of such municipality, person, firm, or private corporation. The sanitary engineer, if any, or sanitary engineering department, if any, of such county shall, in addition to other duties assigned to such engineer or department, assist the commissioners in the performance of their duties under this act, and shall be charged with such other duties and services in relation thereto as the commissioners may prescribe. The board of county commissioners may make, publish, and enforce rules and regulations for the construction, maintenance, protection, and use of public water supplies in their respective counties outside of incorporated municipalities, including the establishment of connections. Such rules and regulations shall not be inconsistent with the laws of the State of Ohio or the rules and regulations of the State board of health.

No public water supplies or water pipes or mains shall be constructed in any county outside of incorporated municipalities by any person, firm, or corporation, except for the purpose of supplying water to such incorporated municipal-

pallies, until the plans and specifications for the same shall have been approved by the board of county commissioners, and any such construction shall be done under the supervision of the county sanitary engineer, and any person, firm, or corporation, proposing or constructing such improvements, shall pay to the county all expense incurred by the commissioners in connection therewith. The sanitary engineer shall have the right to enter upon any public or private property for the purpose of making surveys and examinations necessary for the design or examination of public water supplies, and to make such surveys and examinations. No person, firm, or corporation shall forbid or interfere with the sanitary engineer, or his duly authorized assistants entering upon such property for such purpose, or making such surveys or examinations. If, however, actual damage is done to property by the making of such surveys and examinations, the commissioners shall pay the reasonable value of such damage to the owner of the property damaged and such cost shall be included in the assessment upon the property benefited by the improvement for which such surveys and examinations are made. Any person or persons violating any provision of this act or any rules or regulations herein provided for shall be liable to a fine not exceeding \$100 to be paid on conviction of such violation. All fines imposed and collected shall be paid to the county treasurer and credited to such fund as the commissioners may determine. The commissioners may fix reasonable rates to be charged for water, when the source of supply or distributing pipes are owned by the county or district. When the source of supply is owned by a municipal corporation, or any person, firm, or private corporation, the schedule of rates to be charged by such municipal corporation, person, firm, or private corporation shall be ratified by the board of county commissioners at the time any contract is entered into for the use of water from such municipal corporation, person, firm, or private corporation. All money collected as rents or for waterworks purposes from any district shall be paid to the county treasurer and kept in a separate and distinct fund to the credit of such district. Such fund shall be applied first to the conduct, management, and operation of such water supply or waterworks system, and any surplus thereafter remaining shall be applied to the enlargement or extension thereof, to the payment of interest or principal of any loan, indebtedness, or liability incurred in connection therewith, or for the creation of a sinking fund for the liquidation of any debts created in connection therewith; but in no case shall money so collected be expended otherwise than for the use and benefit of such district.

SEC. 6802-20. For the purpose of paying a part or the whole of the cost of construction, maintenance, repair, or operation of any improvement provided for in this act or for paying the sanitary engineer and for paying for his assistants and all his other necessary expenses, the board of county commissioners may borrow money at the rate of not exceeding 6 per cent per annum on certificates of indebtedness to be signed by its president and clerk; such certificates of indebtedness shall be made payable at a time not more than five years from their date, or for such purposes the board of county commissioners may issue bonds as herein provided, or may appropriate money from any funds in the county treasury available. After the adoption of the improvement resolution, to provide means to pay the cost of any such improvement, the board of county commissioners shall, by resolution of said board, appropriate money from any funds in the county treasury available for that purpose or, when necessary, may authorize the issue of bonds of the county in an amount not exceeding the estimated cost thereof by more than 10 per cent, plus such amount as shall be necessary to pay the installments of interest, on such bonds or on certificates of indebtedness to accrue before the first installment of taxes and assessments hereinafter provided for shall be collected. Such bonds shall

state the particular improvement or improvements on account of which they are issued and the date of resolution or order of the board directing their issuance. Such bonds may bear interest at a rate not exceeding 6 per cent per annum, payable semiannually, may be of such denominations and payable at such time and place as the board of county commissioners shall provide, and may be issued from time to time as the work progresses and advertised and sold as other county bonds are required to be advertised and sold.

SEC. 6602-26. The county sanitary engineer, upon the completion of any improvement, shall prepare and present to the board, an estimated assessment in proportion, as nearly as may be, to the benefits resulting from such improvement or improvements to such lots and lands respectively. The board of county commissioners shall cause notice to be published once a week for two consecutive weeks in a newspaper published and of general circulation within the county, that such estimated assessment has been made and is on file in the office of such board and that the same may be examined by all persons interested. Such notice shall contain a description of the lots or parcels of land within said district to be assessed, and shall designate a time and place, to be fixed by such board, when and where objections to the apportionment made in such estimated assessment will be heard by the board. Any such objections shall be in writing and shall be filed within 10 days after the date of the last publication of such notice. At the time and place designated for such hearing, or at any other time or times to which such hearing may be adjourned, the board shall consider any such objections and hear and consider any competent evidence concerning any such objections and shall determine any questions involved and may, if deemed proper, amend such estimated assessment and shall approve and confirm the same as made or as so amended, and, when so confirmed, the same shall be final and conclusive. The board of county commissioners may, from time to time and at such intervals as they may deem expedient, assess the lots and parcels of land specified in said notice of assessment and levy taxes upon the taxable property of the district so improved, to pay the cost of the maintenance and operation of any such improvement or improvements, after completion thereof, and no further notice shall be necessary of such maintenance, repair, or operation assessment unless the amount thereof shall exceed 10 per cent of the original cost of the construction. If such maintenance, repair, or operation assessment shall exceed 10 per cent of the original cost of the construction, the method and manner of making such assessment, together with the notice thereof, shall be the same as provided herein for the original assessment.

SEC. 6602-32. At any time after the formation of any sewer district the board of county commissioners, when deemed expedient, may, on application by a corporation, individual, or public institution, outside of any sewer district, contract with such corporation, individual, or public institution for supplying water to their premises on such terms and conditions as shall be by such board of county commissioners deemed equitable, but the amount to be paid shall in no case be less than the original assessment for similar property within the district, and such board of county commissioners, in any such case, shall appropriate any moneys received for such service to and for the use and benefit of such sewer district: *Provided, however,* That whenever the board of county commissioners deem it necessary to contract with a corporation, individual, or public institution outside of any sewer district for supplying water to their premises from water-supply lines constructed or to be constructed to serve such district, they shall so determine by resolution, and may collect said amount in cash, or the same may be assessed against said lots or parcels of land, and the method and manner of making said assessment, together with

the notice thereof, shall be the same as provided herein for the original assessment.

Whenever a water supply line or lines have been constructed by a corporation, individual, or public institution at their own cost and expense for the purpose of supplying water to any allotment, development, subdivision, or similar enterprise, or to any institution, and it is deemed expedient by the board of county commissioners to acquire said water supply line or lines or any part thereof for the purpose of supplying water to territory outside the allotment, subdivision, development, or other such enterprise for which such line or lines were constructed, the sanitary engineer shall examine said water supply line or lines, and if he finds the same properly designed and constructed, he shall make an appraisal of the present value of said water supply line or lines or parts thereof to the district as a means of supplying water to territory outside the allotment, subdivision, development, or similar enterprise for which it was originally constructed and shall certify same to the board of county commissioners. In such appraisal no allowance shall be made for the value of such water supply line or lines to the territory for the service of which it was originally constructed.

The board of county commissioners, by resolution, may determine to purchase said water supply line or lines at a cost not to exceed the present value of said water supply line or lines as certified by the sanitary engineer. For the purpose of paying for said water supply line or lines and the maintenance thereof, the board of county commissioners may issue bonds and assess the cost against the benefited property in the same method and manner as provided herein for the construction of an original water supply line or lines.

SEC. 2. That said original sections 6602-17, 6602-20, 6602-26, and 6602-32 of the General Code be, and the same are hereby, repealed.

Sanitary District Act. (Act June 6, 1919.)

I. SHORT TITLE AND INTERPRETATION.

SECTION 1. *Terms defined.*—This act may be known and cited as the "sanitary district act of Ohio"; the bonds which may be issued hereunder may be briefly called "sanitary district bonds," and shall be so engraved or printed on their face; the districts created hereunder shall be briefly termed "sanitary districts"; the tax books and records provided for hereunder shall be termed "sanitary district books" or "sanitary district records," and such titles shall be printed, stamped, or written thereon.

Wherever the term "publication" is used in this act and no manner specified therefor, it shall be taken to mean once a week for three consecutive weeks in each of two newspapers of different political affiliations (if such newspapers there be) and of general circulation in the county or counties wherein such publication is to be made. It shall not be necessary that publication shall be made on the same day of the week in each of the three weeks, but not less than 14 days (excluding the day of first publication) shall intervene between the first publication and the last publication, and publication shall be complete on the date of the last publication.

Wherever the term "person" is used in this act, and not otherwise specified, it shall be taken to mean person, firm, copartnership, association, or corporation, other than county, township, city, village, or other political subdivision. Similarly, the words "public corporation" shall be taken to mean counties, townships, cities, villages, school districts, road districts, ditch districts, park

districts, levee districts, and all other governmental agencies clothed with the power of levying general or special taxes.

Wherever the term "court" is used, and not otherwise specified, it shall be taken to mean the court of common pleas wherein the petition for the organization of the district was filed and granted. In case of a district lying in more than one county the term "court," when not otherwise specified, shall be taken to mean the court comprised of one common pleas judge from each county as hereinafter provided.

Wherever the terms "land" or "property" are used in this act they shall unless otherwise specified, be held to mean real property, as the words "real property" are used in and defined by the laws of the State of Ohio, and shall embrace all railroads, tramroads, roads, electric railroads, street and interurban railroads, streets and street improvements, telephones, telegraph, and transmission lines, gas, sewerage and water systems, pipe lines and rights of way of public service corporations, and all other real property whether public or private.

Wherever the term "board of directors" or term "directors" is used in this act said term or terms shall be taken to apply to the duties of one director in a district lying wholly within one county.

II. ORGANIZATION OF DISTRICT.

SEC. 2. *Court of common pleas to organize districts.*—The court of common pleas of any county in this State is hereby vested with jurisdiction, power, and authority, when the conditions stated in the third section of this act are found to exist, to establish sanitary districts within the county in which said court is located. Districts partly within and partly without such county may also be established by a court comprising one common pleas judge from each county having area within the district, as hereinafter provided.

In the event there are but two common pleas judges, who sit as court under the provisions of section 2, and the said judges find themselves unable to agree as to the establishment of such sanitary district, or upon any other question left for their decision, then, and in such event a third common pleas judge from a disinterested county shall be appointed by the chief justice of the Supreme Court of the State of Ohio, which said judge shall sit with the other two judges, and the decisions of a majority of said judges shall be final. Compensation for said judge shall be fixed by the appointing judge. Such sanitary districts may be established for all or any of these purposes:

- (a) To prevent and correct the pollution of streams;
- (b) To clean and improve stream channels for sanitary purposes;
- (c) To regulate the flow of streams for sanitary purposes;
- (d) To provide for the collection and disposal of sewage and other liquid wastes produced within the district;
- (e) To provide a water supply for domestic, municipal, and public use within the district, and incident to such purposes and to enable their accomplishment to construct reservoirs, trunk sewers, intercepting sewers, siphons, pumping stations, wells, intakes, pipe lines, purification works, treatment and disposal works; to maintain, operate, and repair the same, and to do all other things necessary for the fulfillment of the purposes of this act.

SEC. 3. *Petition.*—Before any court shall establish a district as outlined in section 2, a petition shall be filed in the office of the clerk of said court, signed by 500 freeholders, or by a majority of the freeholders, or by the owners of more than half of the property, in either acreage or value, within the limits of the territory proposed to be organized into a district. Such a petition may be signed by the governing body of any public corporation lying wholly or

partly within the proposed district in such manner as it may prescribe, and when so signed by such governing body such a petition on the part of said governing body shall fill all the requirements of representation upon such petition of the freeholders of such public corporation as they appear upon the tax duplicate; and thereafter it shall not be necessary for individuals within said public corporation to sign such a petition. Such a petition may also be signed by railroads and other corporations owning lands. And such petition may also be filed by any city or cities interested in some degree in the improvement, upon proper action by their governing bodies. However, property in each political subdivision wholly or partly included in the proposed district shall be represented by the signers of the petition provided for by this section. *And provided*, That the petition for the establishment of a district for the purpose of providing a water supply for domestic, municipal, and public use shall be signed by the governing body of each municipality, or part thereof included in the proposed district, or by a majority of the freeholders of political subdivisions or parts thereof included in the proposed district and lying outside of municipalities, and shall also be signed by the public service corporation which may be supplying water to the inhabitants of such political subdivisions under franchise granted by the governing bodies thereof.

The petition shall set forth:

First. The proposed name of said district.

Second. The necessity for the proposed work and that it will be conducive to the public health, safety, comfort, convenience, or welfare.

Third. A general description of the purpose of the contemplated improvement and of the territory to be included in the proposed district. Said description need not be given by metes and bounds or by legal subdivisions, but it shall be sufficient if a generally accurate description is given of the territory to be organized as a district. Said territory shall include two or more political subdivisions or portions thereof and, except as a subdistrict provided for by section 62 of this act, shall not be included wholly within the limits of a single municipality. Said territory need not be contiguous, provided it be so situated that the public health, safety, comfort, convenience, or welfare will be promoted by the organization as a single district of the territory described.

Fourth. Said petition shall pray for the organization of the district by the name proposed.

No petition with the requisite signature shall be declared null and void on account of alleged defects, but the court may at any time permit the petition to be amended in form and substance to conform to the facts by correcting any errors in the description of the territory or in any other particular. Several similar petitions or duplicate copies of the same petition for the organization of the same district may be filed and shall together be regarded as one petition. All such petitions filed prior to the hearing on said petition shall be considered by the court the same as though filed with the first petition placed on file.

In determining when a majority of landowners have signed the petition the court shall be governed by the names as they appear upon the tax duplicate, which shall be prima facie evidence of such ownership.

SEC. 4. Bond of petitioners.—At the time of filing the petition, or at any time subsequent thereto and prior to the time of the hearing on said petition, a bond shall be filed, with security approved by the court, sufficient to pay all the expenses connected with the proceedings in case the court refuses to organize the district. If at any time during the proceeding the court shall be satisfied that the bond first executed is insufficient in amount, it may require the execution of an additional bond within a time to be fixed, to be not less than 10

days distant, and upon failure of the petitioners to execute the same the petition shall be dismissed.

SEC. 5. Notice of hearing on petition.—Immediately after the filing of such petition the clerk of the court with whom such petition is filed shall cause notice by publication (Form 1, schedule), to be made of the pendency of the petition and of the time and place of the hearing thereon.

And further, he shall also cause such notices to be served personally upon the clerk of each political subdivision within the proposed district.

The court of common pleas of the county in which the petition was filed shall thereafter, for all purposes of this act, except as hereinafter otherwise provided, maintain and have original and exclusive jurisdiction coextensive with the boundaries and limits of said district and of lands and other property proposed to be included in said district or affected by said district, without regard to the usual limits of its jurisdiction.

SEC. 6. Hearing on petition; organization of district.—Any owner of real property in said proposed district who individually may not have signed such a petition and who wishes to object to the organization and incorporation of said district shall, on or before the date set for the cause to be heard, file his objections why such district should not be organized and incorporated. Such objections shall be limited to a denial of the statements in the petition, and shall be heard by the court as an advanced case without unnecessary delay.

Upon the said hearing, if it shall appear that the purposes of this act would be subserved by the creation of a sanitary district, the court shall, after disposing of all objections as justice and equity require, by its findings, duly entered of record, adjudicate all questions of jurisdiction, declare the district organized and give it a corporate name, by which in all proceedings it shall thereafter be known, and thereupon the district shall be a political subdivision of the State of Ohio, a body corporate with all the powers of a corporation, shall have perpetual existence, with power to sue and be sued, to incur debts, liabilities, and obligations; to exercise the right to eminent domain and of taxation and assessment as herein provided; to issue bonds and to do and perform all acts herein expressly authorized and all acts necessary and proper for the carrying out of the purposes for which the district was created, and for executing the powers with which it is invested.

In such decree the court shall designate the place where the office or principal place of business of the district shall be located, which shall be within the corporate limits of the district, if practicable, and which may be changed by order of court from time to time. The regular meetings of the board of directors shall be held at such office or place of business, but for cause may be adjourned to any other convenient place. The official records and files of the district shall be kept at the office so established.

If the court finds that the property set out in said petition should not be incorporated into a district, it shall dismiss said proceedings and adjudge the costs against the signers of the petition in the proportion of the interest represented by them.

After an order is entered establishing the district, such order shall be deemed final and binding upon the real property within the district and shall finally and conclusively establish the regular organization of the said district against all persons except the State of Ohio upon suit commenced by the attorney general. Any such suit must be commenced within three months after said decree declaring such district organized as herein provided, and not otherwise. The organization of said district shall not be directly or collaterally questioned in any suit, action, or proceeding, except as herein expressly authorized,

In case of a district lying in more than one county, one common pleas judge of each of the counties having land in the district shall sit as a court in the courthouse where the original petition was filed to make the findings required by this section and by section 13 herein. The majority of said judges shall be necessary to render a decision.

SEC. 7. *Decree of incorporation filed*.—Within 30 days after the said district has been declared a corporation by the court the clerk of the court shall transmit to the secretary of state and to the county recorder in each of the counties having lands in said district copies of the findings and the decree of the court incorporating said district. The same shall be filed and recorded in the office of the secretary of state in the same manner as articles of incorporation are now required to be filed and recorded under the general law concerning corporations, and copies shall also be filed in the office of the county recorder of each county in which a part of the district may be, where they shall become permanent records; and the recorder in each county shall receive a fee of \$1 for filing and preserving the same, and the secretary of state shall receive for filing and for recording said copies such fees as now are or hereafter may be provided by law for like services in similar cases.

III. ORGANIZATION OF BOARD—ITS POWERS AND DUTIES.

SEC. 8. *Appointment of directors*.—Within 30 days after entering the decree incorporating said district, providing said district is wholly within one county, the court shall appoint one person, who shall be a resident freeholder within the district, as a director of the district for a term of five years from the date of his appointment: *Provided further*, That in case said district is composed of more than one county, or part thereof, then each county shall be entitled to one director, who shall be a resident freeholder of such county. In no event shall there be more than one director for each county. The court shall fill all vacancies which may occur in the office of director or directors.

SEC. 9. *Director or board of directors to organize*.—Each director before entering upon his official duties shall take and subscribe to an oath before an officer duly authorized to administer oaths that he will honestly, faithfully, and impartially perform the duties of his office and that he will not be interested, directly or indirectly, in any contract let for the purpose of carrying out any of the provisions of this act, and said oath shall be filed in the office of the clerk of courts [sic] of the county from which he was appointed.

Each director shall give a good and sufficient bond for the faithful and honest performance of his duties.

In the event there is but one director, upon taking oath, he shall select some suitable person as secretary; in the event there is more than one director, they shall, upon taking oath, choose one of their number as president of the board and shall select some suitable person as secretary, who may or may not be a member of said board. Such director or board shall adopt a seal, and shall keep in a well bound book a record of all proceedings, minutes of all meetings, certificates, contracts, bonds given by employees, and all corporate acts, which shall be open to the inspection of all owners of property in the district as well as all other interested parties or persons. In the event that the district is composed of an even number of counties or parts thereof and the directors of said district find themselves unable to agree on any question pertaining to or in connection with their operation or management of said district then, and in such event at the request of any director, another person from within or without the district shall be appointed director temporarily by the court of the district as organized under section 2 of this act; and such temporary director

shall serve as a member of such board of directors until the question in dispute has been satisfactorily adjusted. Compensation for said director shall be fixed by the appointing court.

SEC. 10. Quorum.—A majority of the directors shall constitute a quorum, and a concurrence of the majority in any matter within their duties shall be sufficient for its determination. All actions by the directors shall be by resolution.

SEC. 11. May employ agents.—The secretary shall be the custodian of the records of the district and of its corporate seal and shall assist the board in such particulars as it may direct in the performance of its duties. It shall be the duty of the secretary to attest, under the corporate seal of the district, all certified copies of the official records and files of the district that may be required of him by the provisions of this act, or by any person ordering the same and paying the reasonable cost of transcription. And any portion of the record so certified and attested shall prima facie import verity. The secretary shall serve also as treasurer of the district, unless a treasurer is otherwise provided for by the board. The board may also employ a chief engineer who may be an individual, copartnership or corporation; an attorney; and such other engineers, attorneys and other agents and assistants as may be needful; and may provide for their compensation, and maintain, furnish and equip an office or offices, and purchase such office supplies, equipment, apparatus, appliances, instruments and tools as are necessary, which, with all other necessary expenditures, shall be taken as a part of the cost of the improvement. The employment of the secretary, treasurer, chief engineer and attorney for the district shall be evidenced by agreements in writing, which, so far as possible, shall specify the amounts to be paid for their services. The chief engineer shall be superintendent of all the works and improvements, and shall make a full report to the board each year, or oftener if required, and may make such suggestions and recommendations to the board as he may deem proper.

SEC. 12. To approve plans for sewerage improvements within district.—If a district is established for purposes other than the provision of a water supply for domestic, municipal, and public use after the establishment of the district and the organization of the board no public corporation or person shall install within such district any outlet for discharge of sewage or other liquid waste, treatment or disposal works, until the plans therefor have been submitted to and received approval of the directors.

SEC. 13. To prepare plans.—Upon their qualification, the board shall prepare or cause to be prepared a plan for the improvements for which the district was created. Such plan shall include such maps, profiles, plans, and other data and descriptions as may be necessary to set forth properly the location and character of the work, and of the property benefited or taken or damaged, with estimates of cost.

In the preparation of the plan, the board may recognize the necessity of future extensions and enlargements which may result from enlargements of the area of the district, in order that the district improvements may be designed to meet properly such increased demands. The plan for a water supply for domestic, municipal, and public use shall be prepared with recognition of an equitable apportionment of the available supply to each political subdivision within the district. In case the purposes for which the district was established include both improved sanitation and improved water supply a plan shall be prepared for each purpose.

In case the board of directors finds that any former survey made by any other district or in any other manner is useful for the purposes of the district, the board of directors may take over the data secured by such survey, or such

other proceedings as may be useful to it, and may pay therefor an amount equal to the value of such data to said district.

Upon the completion of such plan the board shall submit it to the State department of health for approval. If the State department of health should reject such plan, the said board shall proceed as in the first instance under this section to prepare another plan. If the State department of health should refer back said plan for amendment, the board shall prepare and submit to the State department of health an amended plan. If the State department of health should approve said plan, a copy of the action of said State department of health shall be filed with the secretary of the board of directors and by him incorporated into the records of the district.

Upon the approval of such plan by the State department of health the board shall cause notice by publication to be given as provided in section 1 herein in each county of said district of such completion of said plan, and shall permit the inspection thereof at their office by all persons interested. Said notice shall fix the time and place for the hearing of all objections to said plan not less than 20 days nor more than 30 days after the last publication of said notice. All objections to said plan shall be in writing and filed with the secretary of said board at his office not more than 10 days after the last publication of said notice. After said hearing before the board of directors the said board shall adopt the plan as the official plan of the said district. If, however, any person or persons object to said official plan so adopted, then such person or persons may within 10 days from the adoption of said official plan file their objections in writing, specifying the features of the plan to which they object, in the original case establishing the district in the office of the clerk of said court, and he shall fix a day for the hearing thereof before the court, not less than 20 days nor more than 30 days after the time fixed for filing objections, at which time the judges sitting as a court as provided for in section 6 herein for the organization of the district shall meet at the courthouse of the county where said original case is pending and hear said objections and adopt, reject, or refer back said plan to said board of directors. A majority of the judges shall control. If said court should reject said plan, then said board shall proceed as in the first instance under this section to prepare another plan. If the court should refer back said plan to said board for amendment, then the court shall continue the hearing to a day certain without publication of notice. If the said court should approve said plan as the official plan of said district, then a certified copy of said journal of said court shall be filed with the secretary of the board of directors and by him incorporated into the records of the district. The official plan may be altered in detail from time to time until the assessment roll is filed, and of all such alterations the appraisers shall take notice. But after the assessment roll has been filed in court no alterations of the official plan shall be made except as in section 36 hereof provided.

SEC. 14. To execute works.—The board of directors shall have full power and authority to devise, prepare for, execute, maintain, and operate any or all works or improvements necessary or desirable to complete, maintain, operate, and protect the official plan. They may secure and use men and equipment under the supervision of the chief engineer or other agents, or they may in their discretion let contracts for such works either as a whole or in parts.

SEC. 15. May enter upon lands.—The board of directors of any district organized under this act, or their employees or agents, including contractors and their employees and the members of the board of appraisers and their assistants, may enter upon lands within or without the district in order to make surveys and examinations to accomplish the necessary preliminary purposes of the district, or to have access to the work, being liable, however, for actual

damage done, but no unnecessary damage shall be done. Any person or corporation preventing such entrance shall be guilty of a misdemeanor, punishable by a fine not exceeding \$50.

SEC. 16. *General powers.*—The powers of the board shall not include construction and maintenance of lateral sewers, sewerage systems, water main, and distributing systems or other related improvements for local service within the political subdivisions forming the district, and such improvements shall in every case be provided by the public corporations or persons served by the works of the district, and the powers of the board shall be limited to the construction and maintenance of such works as are necessary to carry out the purposes of the district in improvement of sanitation and water supply as set forth in section 2 of this act. This act shall not limit or interfere with the right of public corporations to install, maintain, and operate sewerage systems and waterworks systems as otherwise permitted by law. However, this act shall give to the board of directors full power and authority in the construction and maintenance of improvements for the purposes of the district to serve the area included within the district, and the board shall have power to require the use of the improvements of the district by public corporations and persons included within the district and for which the improvements were installed.

In order to effect the proper collection and disposal of sewage and other liquid wastes produced within the district, to provide a water supply for domestic, municipal, and public use within the district, to promote the public health, comfort, convenience, and welfare, and to accomplish all other purposes of the district, the board of directors is authorized to clean out, straighten, alter, deepen, or otherwise improve any stream, watercourse, or body of water receiving sewage or other liquid wastes and located in or out of said district; to fill up any abandoned or altered stream, watercourse, or body of water located in or out of said district; to construct and maintain trunk sewers, intercepting sewers, siphons, pumping stations, wells, intakes, pipe lines, purification works, treatment and disposal works, reservoirs, and any other works and improvements deemed necessary to accomplish the purposes of the district and to construct, preserve, operate, or maintain such works in or out of said district; to construct connections to the works of the district for the delivery thereto of sewage and other liquid wastes; to construct connections for the delivery of a water supply from the works of the district to public corporations and persons within the district; to incorporate with the works of the district or otherwise utilize any public sewers, drains, or other sewerage and water supply improvements either without modification or with such repairs, modifications, or changes as are deemed necessary; to construct any and all of said works and improvements across or through any public or private property in or out of said district; and to hold, encumber, control, acquire by donation, purchase, or condemnation, construct, own, lease, use, and sell any real or personal property, or easement necessary for right of way or location for the works and improvements of the district, or for any necessary purpose, or for obtaining or storing material to be used in constructing and maintaining said works and improvements.

In case a district or subdistrict is organized for the purpose of providing a water supply for domestic, municipal, and public use within such district or subdistrict the board of directors shall proceed to prepare a plan for such improvements and the proceedings in reference to the improvements shall in all matters conform to the provisions of this act; except that in the issuance of bonds, in the levying of assessments or taxes, and in all other matters affecting only the improvements of the district for water supply for domestic, municipal, and public use all proceedings and records thereof shall be kept separate from and shall not be amalgamated with the proceedings and records of the district in

case it is also organized for other purposes: *And provided*, That no maintenance assessments shall be levied upon the property of the district for the purpose of maintaining a water supply for domestic, municipal, and public use, and the maintenance fund for such purpose shall be obtained from the sale of water to public corporations and persons within the district. The board shall determine the rates of compensation for such water, which rates shall be reasonable, and may require bond to be given to secure the payment for such use. Upon the determination of any rate, or rates, the board shall make a report of its determination to the court. The court shall thereupon cause personal notice by summons to be given to the parties interested, stating that such a determination of rate has been made, that a hearing before the court will be had thereon on a certain day, and that objection may be made at such time to such determination of rates. A hearing may be had before the court, and objections may be made in the same manner as in case of the appraisal of benefits. Upon the final determination of the matter by the court, the determination of such rates or compensation shall be conclusive and binding for the term and under the conditions specified in the lease or other agreement. In case of failure of any user to pay for the use in the manner specified by order of the court, the board may compel payment, and may enjoin further use until such payment is made. The rights under any lease or sale shall not extend to a change of use, or of place, time, or manner of use, except in so far as is specifically stated in the lease or other agreement. The compensation for the use of water furnished by the district may be made by payment according to a unit price per cubic foot of water used, or in any other reasonable measurement of value received. All money received as compensation under the provisions of this paragraph shall be added to the maintenance funds of the district for water-supply purposes.

SEC. 17. *To advertise and let contracts.*—When it is determined to let the work by contract, contracts in amounts to exceed \$10,000 shall be advertised after notice calling for bids shall have been published once a week for five consecutive weeks, completed on date of last publication, in at least one newspaper of general circulation within said district where the work is to be done, and the board may let said contract to the lowest or best bidder, who shall give a good and approved bond, with ample security, conditioned on the carrying out of the contract and the payment for all labor and material. Such contract shall be in writing and shall be accompanied by or shall refer to plans and specifications for the work to be done, prepared by the chief engineer. The plans and specifications shall at all times be made and considered a part of the contract. Said contract shall be approved by the board of directors and signed by the president of the board and by the contractor, and shall be executed in duplicate: *Provided*, That in case of emergency the advertising of contracts may be waived upon the consent of the board of directors, with the approval of the court or judge in vacation.

SEC. 18. *Dominant right of eminent domain.*—Said board, where necessary for the purposes of this act, shall have a dominant right of eminent domain over the right of eminent domain of railroad, telegraph, telephone, gas, water power, and other companies and corporations, and over townships, villages, counties, and cities.

In the exercise of this right due care shall be taken to do no unnecessary damage to other public utilities, and, in case of failure to agree upon the mode and terms of interference, not to interfere with their operation or usefulness beyond the actual necessities of the case, due regard being paid to the other public interest involved.

SEC. 19. *May condemn under general law.*—Said board shall also have the right to condemn for the use of the district any land or property within or

without said district not acquired or condemned by the court on the report of the appraisers, according to the procedure provided by law for the appropriation of land or other property taken for telegraph, telephone, and railroad rights of way, instead of having appraisals and assessments made by the board of appraisers.

SEC. 20. *May make regulations to protect works.*—Where necessary in order to secure the best results from the construction, operation, and maintenance of the works and improvements of the district and to prevent damage to the same from misuse, the board of directors may make and enforce regulations pertaining to the use by public corporations and persons of the works and improvements of the district, and by such regulations may prescribe the design, construction, and use of sewers within the district, the manner in which connections to trunk sewers, intercepting sewers, pipe lines, and to other works of the district shall be made, may prescribe the permissible uses of the water supply of the district, the manner of its distribution, and may prevent the pollution or unnecessary waste of the supply, and may prohibit discharge into such sewers of any liquid or solid wastes deemed detrimental to the works and improvements of the district: *Provided, however,* That such regulations shall have no effect until they have been approved by the State department of health. The district board may recover by civil action from any person or public corporation violating such regulations for each offense in any sum not less than \$500 nor more than \$1,000, together with costs. The directors shall have authority to enforce by mandamus or otherwise all necessary regulations made by them and authorized by this act, and may remove any improper construction or may close any connection made improperly or in violation of said regulations, and they are authorized to bring such suits in mandamus in the court of appeals in the first instance, if deemed advisable by them. Any public corporation or person willfully failing to comply with such regulations shall be liable for damages caused by such failures and for the cost of renewing any construction damaged or destroyed.

SEC. 21. *May remove obstructions.*—All public corporations or persons having buildings, structures, works, conduits, mains, pipes, tracks, or other physical obstructions in, over, or upon the public streets, lanes, alleys, or highways which shall interfere with or impede the progress of construction, maintenance, or repair of the works of the district shall upon reasonable notice from the board promptly so shift, adjust, accommodate, or remove the same, as fully to meet the exigencies occasioning such action. Upon failure of any public corporation or person to make such changes the board may do so. Unless otherwise mutually agreed to the cost and expense of such changes shall be met by the district.

SEC. 22. *May make surveys and investigations.*—The board of directors shall also have the right to establish and maintain stream gauges and rain gauges, and may make such surveys and examinations of rainfall, stream flow, and other scientific and engineering subjects as are necessary and proper for the purposes of the district, and they may issue reports of their findings.

SEC. 23. *May cooperate with United States Government or other agencies; outlets in other States.*—The board of directors shall also have the right and authority to enter into contracts or other arrangements with the United States Government or any department thereof, with persons, railroads, or other corporations, with public corporations, and the State government of this or other States, with sewerage, drainage, conservation, conservancy, or other improvement districts, in this or other States, for cooperation or assistance in constructing, maintaining, using, and operating the works of the district or the waters thereof, not in violation of article 8 of the constitution; or for making

surveys and investigations or reports thereon; and may purchase, lease, or acquire land or other property in adjoining States in order to secure outlets or for other purposes of this act, and may let contracts or spend money for securing such outlets or other works in adjoining States.

SEC. 24. *Cemeteries*.—Whenever it may be necessary for the purposes of a district to take or damage any cemetery, the appraisers of the district shall appraise the cost of such taking or easement in the same manner as appraisals are made for other property.

Said directors shall have the same powers in case of the removal of a cemetery to agree with the authorities owning or controlling the said cemetery in the same manner that township trustees are authorized by section 3465 of the general code; and in case of agreement the directors may purchase the necessary land and remove or contract for the removal of those buried, together with all monuments. They may also contract for an easement therein if removal is not desired.

All proceedings in regard to such cemeteries shall be in conformity with the order of the court. In case condemnation proceedings are necessary they shall be instituted and conducted according to law in the county where such cemeteries are located.

IV. APPRAISALS OF BENEFITS.

SEC. 25. *Appointment of appraisers*.—At the time of making its order organizing the district or at any suitable time thereafter, either in term or in vacation, the court or judge shall appoint three appraisers, who shall in every case where appraisers are appointed under this act be recommended by the board of directors, and whose duty it shall be to appraise the lands or other property within and without the district to be acquired for rights of way, reservoirs and other works of the district, and to appraise all benefits and damages accruing to all lands within or without the district by reason of the execution of the official plan. Said appraisers shall be freeholders residing within the State of Ohio, who may or may not own lands within said district: *Provided further*, That no two of said appraisers shall be residents of the same county. Each of the appraisers shall, before taking up his duties, take and subscribe to an oath that he will faithfully and impartially discharge his duties as such appraiser and that he will make a true report of such work done by him. The said appraisers shall at their first meeting elect one of their own number chairman, and the secretary of the board of directors or his deputy shall be ex officio secretary of said board of appraisers during their continuance in office. A majority of the appraisers shall constitute a quorum, and a concurrence of the majority in any matter within their duties shall be sufficient for its determination. Said appraisers shall continue to hold their offices until excused by the court, and the court shall fill all vacancies in the board of appraisers, or may appoint a new board for subsequent appraisals, as occasion may require. Such new board, if appointed, shall fill all the requirements of the board of appraisers of the district and perform its duties.

SEC. 26. *Appraisals*.—During the preparation of the official plan, the board of appraisers shall examine and become acquainted with the nature of plans for the improvement and of the lands and other property affected thereby, in order that they may be better prepared to make appraisals.

When the official plan is filed with the secretary of the district, he shall at once notify the board of appraisers; and they shall thereupon proceed to appraise the benefits of every kind to all real property within or without the district which will result from the organization of said district and the execution of the official plan; and also to appraise the damages sustained and

the value of the land and other property necessary to be taken by the district for which settlement has not been made by the board of directors. In the progress of their work they shall have the assistance of the attorney, engineers, secretary, and other agents and employees of the board of directors.

The board of appraisers shall also appraise the benefits and damages, if any, accruing to cities, villages, counties, townships, and other public corporations, as political entities, and to the State of Ohio.

Before appraisals of compensation and damages are made the directors of the district may report to the appraisers the parcels of land or other property they may wish to purchase and for which they may wish appraisals to be made, both for easement and for purchase in fee simple. The board may, if it deems best, specify in case of any property the particular purpose for which and the extent to which an easement in the same is desired, describing definitely such purpose and extent. The appraisers shall appraise all damages which may, because of the execution of the official plan, accrue to real or other property either within or without the district, which damages shall also represent easements acquired by the district for all of the purposes of the district, unless otherwise specifically stated. Wherever instructed to do so by the board of directors, they shall appraise lands or other property which it may be necessary or desirable for the district to own, and when instructed by the directors to do so they shall appraise both the total value of the land, and also the damages due to an easement for the purposes of the district. Upon such appraisals being confirmed by the court, the directors of the district shall have the option of paying the entire appraised value of the property and acquiring full title to it (in fee simple), or of paying only the costs of such easement for the purposes of the district. The appraisers in appraising benefits and damages shall consider only the effect of the execution of the official plan. The appraisers may give consideration to benefits resulting from the provision of improved sewage and sewage disposal, improved water supply for domestic, municipal, and public use, the improvement of conditions affecting health, comfort, convenience, and welfare, and other benefits deemed proper to recognize. The appraisers in making appraisals shall give due consideration and credit to any other works or systems already constructed, or under construction, which form a useful part of the work of the district according to the official plan. Where the appraisers return no appraisal of damages to any property, it shall be deemed a finding by them that no damages will be sustained.

SEC. 27. *Land affected outside district.*—If the appraisers find that lands or other property not embraced within the boundaries of the district will be affected by the proposed improvement, or should be included in the district, they shall appraise the benefits and damages to such land, and shall file notice, in the court, of the appraisal which they have made upon the lands beyond the boundaries of the district, and to the land which, in their opinion, should be included in the district. The appraisers shall also report to the court any lands which, in their opinion, should be eliminated from the district.

SEC. 28. *Notice of hearing on land excluded from or taken into district.*—If the report of the board of appraisers includes recommendations that other lands be included in the district, or that certain lands be excluded from the district, it shall be the duty of the clerk of the court before which the proceeding is pending to give notice to the owners of such property by publication to be made as provided in this act for a hearing on the petition for the creation of the district. Such notice to those owners whose lands are to be added to the district may be substantially as shown in the schedule herein. The time and place of the hearing may be the same as those of the hearing on ap-

praisals. To the owners of property to be excluded from the district it will be sufficient to notify them of that fact.

SEC. 29. *Board shall make report.*—The board of appraisers shall prepare a report of its findings, which shall be arranged in tabular form and bound in book form, and which shall be known as the sanitary district appraisal record. In case the purposes of the district include both improved sanitation and improved water supply, the appraisers shall prepare a separate report for each purpose. Such record shall contain the name of the owner of the property appraised as it may appear on the tax duplicate or the deed records, a description of the property appraised, the amount of benefits appraised, the amount of damages appraised, and the appraised value of land or other property which may be taken for the purposes of the district. They shall also report any other benefits or damages or any other matter which, in their opinion, should be brought to the attention of the court. No error in the names of the owners of real property or in the descriptions thereof shall invalidate said appraisal or the levy of assessments or taxes based thereon, if sufficient description is given to identify such real property. When their report is completed, it shall be signed by at least a majority of the appraisers and deposited with the clerk of the court, who shall file it in the original case. At the same time copies of that part of the report giving the appraisal of benefits and appraisals of land to be taken and of damage in any county shall be made, certified to, and filed with the clerk of the court of common pleas of such county.

SEC. 30. *Notice of hearing on appraisals.*—Upon the filing of the report of the appraisers, the clerk of the court shall give notice thereof, as provided in this act, in each county in the district. Said notice shall be substantially as in Form 6 of the schedules hereto attached. It shall not be necessary for said clerk to name the parties interested. It shall not be necessary to describe separate lots or tracts of land in giving said notice, but it shall be sufficient to give such descriptions as will enable the owner to determine whether or not his land is covered by such description. For instance, it will be sufficient to state "All land lying in the _____ ward of the city of _____," or "All land abutting on _____ street in the city of _____," or "All land lying west of _____ river and east of _____ railroad in _____ township," or any other general description pointing out the lands involved. Where lands in different counties are mentioned in said report, it shall not be necessary to publish a description of all the lands in the district in each county, but only of that part of the said lands situate in the county in which publication is made.

SEC. 31. *Hearings on appraisals.*—Any property owner may accept the appraisals in his favor of benefits and of damages and of lands to be taken made by the appraisers, or may acquiesce in their failure to appraise damages in his favor, and shall be construed to have done so unless he shall within 10 days after the last publication provided for in the preceding section file exceptions to said report or to any appraisal of either benefits or damages or of land to be taken which may be appropriated. All exceptions shall be heard by the court beginning not less than 20 nor more than 30 days after the last publication provided for herein, and determined in advance of other business so as to carry out, liberally, the purposes and needs of the district. The court may, if it deem necessary, return the report to the board of appraisers for their further consideration and amendment, and enter its order to that effect. If, however, the appraisal roll as a whole is referred back to the appraisers, the court shall not resume the hearing thereof without new notice, as for an original hearing thereon. But the court may, without losing jurisdiction over

the roll, order the appraisers to recast the roll when the order of the court specifies the precise character of the changes thereof.

SEC. 32. Decree on appraisals.—If it appears to the satisfaction of the court after having heard and determined all said exceptions that the estimated cost of constructing the improvement contemplated in the official plan is less than the benefits appraised, then the court shall approve and confirm said appraisers' report as so modified and amended, and such findings and appraisals shall be final and incontestable. In considering the appraisals made by the board of appraisers the court shall take cognizance of the official plan and of the degree to which it is effective for the purposes of the district. In case the court shall find that the estimated benefits appraised are less than the total costs of the execution of the official plan, exclusive of interest on deferred payments, or that the official plan is not suited to the requirements of the district, it may at its discretion return said official plan to the directors of the district with the order for them to prepare new or amended plans, or it may disorganize the district after having provided for the payment of all expenditures.

SEC. 33. Appeal from award.—Any person or public or private corporation desiring to appeal from an award as to compensation or damages, shall within 10 days from the judgment of the court confirming the report of the appraisers, file with the clerk of the court a written notice making demand for a jury trial. He shall at the same time file a bond with good and sufficient security to be approved by the clerk in the sum of not more than \$200, to the effect that if the appellant does not recover more by the verdict of the jury than the sum awarded him by the appraisers or if the verdict is not more favorable to him, he will pay the costs of the appeal. He shall state definitely from what part of the order he appeals.

The appeal shall be from the award of compensation or damages, or both of them, but from no other part of the decree of the court.

In case more than one appeal is entered from the awards as to compensations or damages in the same county, the court may, upon a showing that the same may be consolidated without injury to the interests of anyone, consolidate and try the same together.

Upon demand for a jury the court shall order the directors to at once begin condemnation proceedings, according to law, in the county in which the lands are situated which are sought to be condemned or appraised in the court of common pleas of such county, which suit shall be proceeded with in accordance with the statute regulating appropriation by other than municipal corporations. And said court shall have full jurisdiction to act.

SEC. 34. Entry after deposit of award.—No property shall be taken under this act until compensation has been paid according to law. But where a trial is had by jury, and a verdict has been rendered which has been confirmed by the court, the board of directors may pay the amount allowed into court in money with the costs, and thereupon the court shall make an order admitting the said corporation into possession of the property and confirming its title thereto, although the owner may take steps to take the case to a higher court. And thereupon the board of directors may enter into undisturbed possession of the property and rights involved.

SEC. 35. Filing decree.—Upon the entry of the order of the court approving the report of the appraisers, as provided for in this act, the clerk of said court in which the same is entered shall transmit a certified copy of the said decree, and of the appraisals as confirmed by the court, except those parts from which appeals have been perfected but not determined, to the secretary of the district. When any appeal has been finally determined, the clerk of that court shall certify

the amount of each item of the judgment to the clerk of the court having the original case, who shall file the same therein and thereupon transmit certified copies of the same as in this section above provided.

SEC. 36. *Change of official plan.*—The board of directors may at any time, when necessary to fulfill the objects for which the district was created, alter or add to the official plan, and when such alterations or additions are formally approved by the board, by the State department of health, and by the court, and are filed with the secretary, they shall become parts of the official plan for all purposes of this act. Where such alterations or additions in the judgment of the court neither materially modify the general character of the work, nor materially increase resulting damages for which the board is not able to make amicable settlement, nor increase the cost more than 10 per cent, no action other than a resolution of the board of directors and approval by the State department of health shall be necessary for the approval of such alterations or additions. In case the proposed alterations or additions materially modify the general character of the work or materially modify the resulting damages or materially reduce the benefits, for which the board is not able to make amicable settlement, or materially increase the benefits in such a manner as to require a new appraisal, or increase the cost more than 10 per cent, the court shall direct the board of appraisers (which may be the original board, or a new board appointed by the court on petition of the board of directors or otherwise) to appraise the property to be taken, benefited, or damaged by the proposed alterations or additions. Upon the completion of the report by the board of appraisers, notice shall be given and a hearing had on their report in the same manner as in the case of the original report of the board of appraisers, and the same right of appeal to a jury shall exist: *Provided*, That where few landowners are affected, the clerk of the court may, on order of the court, if found to be more economical and convenient, give personal notice of the pendency of the report of said appraisers, instead of notice by publication: *And provided*, That when the only question at issue is additional damages or reduction of benefits to property, due to modifications or additions to the plans, the board of directors may, if they find it practicable, make settlements with the owners of the property damaged, instead of having appraisals made by the board of appraisers. In case such settlements are made, notice and hearing need not be had. After bonds have been sold, in order that their security may not be impaired, no reduction shall be made in the amount of benefits appraised against property in the district, but in lieu of such reductions of benefits, if any are made, the amount shall be paid to the party in cash. This provision shall apply to all changes in appraisals under this act.

SEC. 37. *Appeals not to delay proceedings.*—No appeal under this act shall be permitted to interrupt or delay any action or the prosecution of any work under this act, except where the party appealing is entitled to a jury under the constitution of the State, and such jury trial has not been had, in which case only so much of the work shall be interrupted or delayed as would constitute a taking of or a damaging of the property of the appellant. The board of directors of any district organized under the terms of this act shall have the right to appeal from any order of the court of common pleas made in any proceedings under this act not requiring the intervention of a jury. The failure to appeal from any order of the court in any proceedings under this act within the time specified herein shall constitute a waiver of any irregularity in the proceedings, and the remedies provided for in this act shall exclude all other remedies except as herein provided.

SEC. 38. *Lands exempt and later liable to assessment.*—If any lands in any district organized under this act are not liable for taxation or assessment at the

time of the execution of the work, but afterwards, during the period when such work is being paid for, become liable to taxation or assessment by reason of some change in condition, benefit, or ownership, such lands shall thereupon be appraised and assessed as other lands in said district receiving equal benefits.

SEC. 39. *Subsequent appraisals.*—In case any real property within or without any district is benefited which for any reason was not appraised in the original proceedings, or was not appraised to the extent of benefits received, or in case any individual, corporation, municipality, political subdivision, or other district shall make use of or profit by the works of any district organized under this act to a degree not compensated for in the original appraisal, or in case the directors of the district find it necessary, subsequent to the time when the first appraisals are made, to take or damage any additional property, the directors of said district at any time such condition becomes evident, shall direct the board of appraisers to appraise the benefits or the enhanced benefits received by such property, or such damages or value of property taken, and proceedings outlined in this act for appraising lands not at first included with [within?] the boundaries of the district shall in all matters be conformed with, including notice to the party or parties. Or the board may, at its discretion, make any suitable settlement with such individual or other district, corporation, county, or municipality for such use, benefit, damage, or property taken.

SEC. 40. *Proceedings not invalid.*—No fault in any notice or other proceedings shall affect the validity of any proceeding under this act except to the extent to which it can be shown that such fault resulted in a material denial of justice to the property owner complaining of such fault. In case it is found upon a hearing that by reason of some irregularity or defect in the proceedings the appraisal has not been properly made, the court may nevertheless, on having proof that expense has been incurred which is a proper charge against the property of the complainant, render a finding as to the amount of benefits to said property, and appraise the proper benefits accordingly, where the party is entitled thereto, and thereupon said land shall be assessed as other land equally benefited. In the event that at any time either before or after the issuance of bonds pursuant to the provisions of this act, the appraisal of benefits, either as a whole or in part, be declared by any court of competent jurisdiction to be invalid by reason of any defect or irregularity in the proceedings therefor, whether jurisdictional or otherwise, the said court of common pleas is hereby authorized and directed on the application of the board of directors of the said district or on the application of any holder of any bonds which may have been issued pursuant hereto, promptly and without delay to remedy all defects or irregularities, as the case may require, by directing and causing to be made in the manner hereinbefore provided a new appraisal of the amount of benefits against the whole or any part of the lands in the said district as the case may require.

V. FINANCIAL ADMINISTRATION.

SEC. 41. *Funds.*—The moneys of every sanitary district organized hereunder shall consist of three separate funds: (1) Preliminary fund, by which is meant the proceeds of the ad valorem tax authorized by this act and such advancements as may be made from the general county funds as provided in section 42 of this act; (2) bond fund, by which is meant the proceeds of levies made against the special assessments of benefits equalized and confirmed under the provisions of this act; and (3) maintenance fund, which is a special assessment to be levied annually for the purpose of upkeep, administration, and current expenses as hereinafter provided. Except that the maintenance fund for improved water supply for domestic, municipal, and public use shall be derived from the sale of water as hereinafter provided. It is intended that the cost of preparing the

official plan, the appraisal (except as paid out of the preliminary fund) and the entire cost of construction and superintendence, including all charges incidental thereto, and the cost of administration during the period of construction, shall be paid out of the bond fund. No vouchers shall be drawn against the preliminary fund (except for advances from the general county funds) or against the maintenance fund provided for purposes other than improved water supply for domestic, municipal, and public use, until a tax-levying resolution shall have been properly passed by the board of directors, and duly entered upon its records; no bonds shall be issued against the bond fund until an assessment-levying resolution shall have been properly passed by the board of directors and duly entered upon its records, and until the property owners shall have been given an opportunity for a period of not less than 30 days to pay the assessments so levied against their respective properties. In case the purposes of the district include both improved sanitation and improved water supply, the funds for these purposes shall be kept separate.

Sec. 42. Preliminary expenses; how paid.—After the filing of a petition under this act, and before the district shall be organized, the costs of publication and other official costs of the proceedings shall be paid out of the general funds of the county in which the petition is pending. Such payment shall be made on the warrant of the auditor on the order of the court. In case the district is organized such cost shall be repaid to the county out of the first funds received by the district through levying of taxes or assessments or selling of bonds or the borrowing of money. If the district is not organized, then the cost shall be collected from the petitioners or their bondsmen. Upon the organization of the district the court shall make an order indicating a preliminary division of the preliminary expenses between the counties included in the district in approximately the proportions of interest of the various counties as may be estimated by said court. And the court shall issue an order to the auditor of each county to issue his warrant upon the treasurer of his county to reimburse the county having paid the total cost.

Expenses incurred thereafter prior to the receipt of money by the district from taxes or assessments, bond sales, or otherwise, shall be paid from the general funds of the counties upon the order of the court and upon certification of the clerk of the court of such order specifying the amount and purpose of the levy to the auditor of each county, who shall thereupon at once issue his warrant to the treasurer of his county, said payments to be made in proportion of the order outlined by the court aforesaid. Upon receipt of funds by the district from the sale of bonds or by taxation or assessment the funds so advanced by the counties shall be repaid.

As soon as any district shall have been organized under this act and a board of directors shall have been appointed and qualified, such board of directors shall have the power and authority to levy upon the property of the district not to exceed three-fourths of a mill on the assessed valuation thereof as a level rate to be used for the purpose of paying expenses of organization, for surveys and plans, and for other incidental expenses which may be necessary up to the time money is received from the sale of bonds or otherwise. This tax shall be certified to the auditors of the various counties and by them to the respective treasurers of their counties. If such items of expense have already been paid in whole or in part from other sources they may be repaid from the receipts of such levy, and such levy may be made although the work proposed may have been found impracticable or for other reasons is abandoned. The collection of such tax levy shall conform in all matters to the collection of taxes and assessments for the district outlined in this act, and the same provisions concerning the nonpayment of taxes shall apply. The board may

borrow money in any manner provided for in this act and may pledge the receipts from such taxes for its repayment, the information collected by the necessary surveys, the appraisal of benefits and damages, and other information and data being of real value and constituting benefits for which said tax may be levied. In case a district is disbanded for any cause whatever before the work is constructed the data, plans, and estimates which have been secured shall be filed with the clerk of the court before which the district was organized and shall be matters of public record available to any person interested.

SEC. 43. *May borrow money.*—In order to facilitate the preliminary work the board may borrow money at a rate of interest not exceeding 6 per cent per annum, may issue and sell or pay to contractors or others negotiable evidence of debt (herein called warrants) therefore signed by the members of the board, and may pledge (after it has been levied) the preliminary tax of not exceeding three-tenths of a mill for the repayment thereof. If any warrant issued by the board of directors is presented for payment and is not paid for want of funds in the treasury, that fact with the date of refusal shall be indorsed on the back of such warrant, and said warrant shall thereafter draw interest at the rate of 6 per cent until such time as there is money on hand sufficient to pay the amount of said warrant with interest.

SEC. 44. *Board of directors to levy assessment for bond fund; additional levies.*—After the list of real property, with the appraised benefits as approved by the court, or that part thereof from which no appeal is pending, has been filed with the secretary of the district, then from time to time, as the affairs of the district demand it, the board of directors shall levy on all real property, upon which benefits have been appraised, an assessment of such portion of said benefits as may be found necessary by said board to pay the cost of the execution of the official plan including superintendence of construction and administration, plus 10 per cent of said total, to be added for contingencies, but not to exceed, in the total of principal, the appraised benefits so adjudicated. The said assessment shall be apportioned to and levied on each tract of land or other property in said district in proportion to the benefits appraised, and not in excess thereof, and in case bonds are issued as provided herein and hereafter, then the amount of interest, which will accrue on such bonds, as estimated by said board of directors, shall be included in and added to the said assessment, but the interest to accrue on account of the issuing of said bonds shall not be construed as a part of the cost of construction in determining whether or not the expenses and costs of making said improvement are or are not equal to or in excess of the benefits appraised. As soon as said assessment is levied, the secretary of the board of directors, at the expense of the district, shall prepare in duplicate an assessment record of the district. It shall be in a well-bound book indorsed and named, "Sanitary District Assessment Record of _____ District." A separate record shall be preserved in case the purposes of the district include both improved sanitation and improved water supply. It shall contain in tabular form a notation of the items of property appraised, the total amount of benefits appraised against each item, and the total assessment levied against each item. Where successive levies of assessments are made for the bond fund, the sanitary district assessment record shall contain suitable notation to show the number of levies and the amount of each, to the end that the sanitary district assessment record may disclose the aggregate of all levies for the bond fund up to that time. Upon the completion of such record it shall be signed and certified by the president and secretary of the board of directors, attested by the seal of the district, and the same shall thereafter become a permanent record in the office of said district. A copy of that part of the sanitary district assessment record affecting lands in any county shall be filed with the auditor of such county. If it should

be found at any time that the total amount of assessment levied is insufficient to pay the cost of works set out in the official plan or of additional work done, the board of directors may make an additional levy to provide funds to complete the work, provided the total of all levies of such assessments exclusive of interest does not exceed the total benefits appraised. In no event shall the total of all levies of such assessments during any 10-year period exceed 3 per cent of the appraised valuation of the property within the district as listed and assessed for taxation: *And provided further*, That in no event shall the levy exceed in or for any one year, five-tenths of 1 per cent of said appraised valuation.

SEC. 45. *Property owners may pay assessment in full.*—When the assessment roll is placed on file in the office of the district, notice by publication shall be given to property owners that they may pay their assessments. Any owner of real property assessed for the execution of the official plan under the provisions of this act shall have the privilege of paying such assessment to the treasurer of the board of directors within 30 days from the time such assessment is placed on file in the office of the district, and the amount to be paid shall be the full amount of the assessment less any amount added thereto to meet interest. When such assessment has been paid, the secretary of the board shall enter upon the said assessment record opposite each tract for which payment is made the words "Paid in full," and such assessment shall be deemed satisfied. The payment of such assessment shall not relieve the land owner from the necessity for the payment of a maintenance assessment nor for payment of any further assessment which may be necessary as herein provided. Any property owner failing to pay assessments in full as provided for herein shall be deemed to have consented to the issuance of bonds as provided for in this act, and to payment of interest thereon.

After the expiration of the period of 30 days within which the property owners may pay their respective assessments, as limited herein, the treasurer of the district shall certify to the board of directors the aggregate of the amount so paid, and thereupon the board of directors shall pass and spread upon their records a bonding resolution in which shall be stated the amount of the assessment, and the amount thereof paid as aforesaid, and thereupon the board shall in the same resolution apportion the uncollected assessment into installments or levies, provide for the collection of interest upon the unpaid installments, and they may order the issuance of bonds (in an amount not exceeding 90 per cent of the levy) in anticipation of the collection of said installments. The residue of the tax so levied (not less than 10 per cent) shall constitute a contingent account to protect the bonds from casual default, and any part thereof in excess of 10 per cent of the next installment of maturing bond principal, together with the next two installments of semiannual interest, if not needed for this purpose, may be transferred from time to time to the maintenance fund of the district.

SEC. 46. *Board of directors may issue bonds; how paid; funds; how to be used.*—The board of directors may, if in their judgment it seems best, issue bonds not to exceed 90 per cent of the total amount of the assessments, exclusive of interest, levied under the provisions of this act, in denomination of not less than \$100, bearing interest from date at a rate not to exceed 6 per cent per annum, payable semiannually, to mature at annual intervals within 30 years, commencing not later than 5 years, to be determined by the board of directors, both principal and interest payable at the office of the treasurer of the State of Ohio. Said bonds shall be signed by the president of the board of directors, attested with the seal of said district and by the signature of the secretary of the said board, and shall be registered by the treasurer of the State of Ohio. In case any of the officers whose signatures, countersignatures, or certificates appearing upon bonds or coupons issued pursuant to this act

shall cease to be such officer before the delivery of such bonds to the purchaser, such signatures or countersignatures and certificates shall nevertheless be valid and sufficient for all purposes, the same as if they had remained in office until the delivery of the bonds. All of said bonds shall be executed and delivered to the treasurer of said district, who shall sell the same in such quantities and at such dates as the board of directors may deem necessary to meet the payments for the works and improvements of the district. Said bonds, if bearing less than 6 per cent interest, may be sold below par, but they shall be sold at such a price that the total payment of principal and interest shall not be greater than would have been required if the bonds had borne 6 per cent interest and had sold for par and accrued interest. They shall show on their face the purpose for which they are issued, and shall be payable out of money derived from the bond fund. A sufficient amount of the assessment shall be appropriated by the board of directors for the purpose of paying the principal and interest of bonds, and the same shall, when collected, be set apart in a separate fund for that purpose and no other. All bonds and coupons not paid at maturity shall bear interest at the rate of 6 per cent per annum from maturity until paid, or until sufficient funds have been deposited at the place of payment. Any expenses incurred in paying said bonds and interest thereon and reasonable compensation to the State treasurer for registering and paying same shall be paid out of the other funds in the hands of the district treasurer and collected for the purpose of meeting the expenses of administration. It shall be the duty of said board of directors in making the annual assessment levy, as heretofore provided, to take into account the maturing bonds and interest on all bonds, and to make ample provision in advance for the payment thereof.

In case the proceeds of the original tax assessment made under the provisions of this act are not sufficient to pay the principal and interest of all bonds issued, then the board of directors shall make such additional levy or levies as are necessary for this purpose, and under no circumstances shall any assessment levies be made that will in any manner or to any extent impair the security of said bonds or the fund available for the payment of the principal and interest of the same. Said district treasurer shall, at the time of taking office, execute and deliver to the president of the board of directors of the said district a bond with good and sufficient sureties, to be approved by the said board of directors, conditioned that he shall account for and pay over as required by law, and as ordered by said board of directors, any and all money received by him on the sale of such bonds or any of them, or from any other source, and that he will only sell and deliver such bonds to the purchaser or purchasers thereof under and according to the terms herein prescribed, and that he will, when ordered by said board so to do, return to said board, duly canceled, any and all bonds not sold, which said bonds shall remain in the custody of the said president of said board of directors, who shall produce the same for inspection or for use as evidence whenever and wherever legally requested so to do. The said treasurer shall promptly report all sales of bonds to the board of directors, and the board shall issue warrants at the proper time for the payment of the maturing bonds so sold and the interest payments coming due on all bonds sold, and the said treasurer shall place sufficient funds at the place of payment to pay the same. In case proper warrants are not issued by the board of directors as herein provided, then the treasurer shall of his own accord place funds at the place of payment and the canceled bonds and coupons and the receipts of the State treasurer shall be accepted in lieu of warrants. The successor in office of any such district treasurer shall not be entitled to said bonds or the proceeds thereof until he shall

have complied with all the foregoing provisions applicable to his predecessor in office: *Provided*, If it should be deemed more expedient to the board of directors, as to the moneys derived from the sale of bonds issued or from any other source, said board may by resolution select some suitable bank or banks or other depository, which depository shall give good and sufficient bond, as temporary or assistant treasurer or treasurers, to hold and disburse said moneys on the orders of the board as the work progresses, until such fund is exhausted or transferred to the treasurer by order of the said board of directors. For such deposits the district shall receive not less than 2 nor more than 4 per cent interest per annum. The funds derived from the sale of said bonds or any of them shall be used for the purpose of paying the cost of the works and improvements and such costs, expenses, fees, and salaries as may be authorized by law, and shall be used for no other purpose.

If at the time the bonds are ready to be issued, the board shall be of the opinion that such bonds can not advantageously be issued and sold in whole or in part, the board may sell parts only of the entire issue or may pledge all or part of said issue as collateral to a loan, but no partial sale or pledge shall be made without the order of the board made and entered of record, and no pledge shall be made at a greater margin than at the rate of \$100 of bond principal for \$90 of loan. The district may secure the payment of loans from the United States Government in the same manner as it may secure the payment of bonds, and the board of directors may make any necessary regulations to provide for such payment. A party who has not sought a remedy against any proceeding under this act until after bonds have been sold or the work constructed can not for any cause have an injunction against the collection of taxes or assessments for the payment of said bonds.

This act shall, without reference to any other act of the General Assembly of Ohio, be full authority for the issuance and sale of the bonds in this act authorized, which bonds shall have all the qualities of negotiable paper under the law merchant, and when executed and sealed and registered in the office of the State treasurer in conformity with the provisions of this act, and when sold in the manner prescribed herein and the consideration therefor received by the district, shall not be invalid for any irregularity or defect in the proceedings for the issue and sale thereof, and shall be incontestable in the hands of bona fide purchasers or holders thereof for value. No proceedings in respect to the issuance of any such bonds shall be necessary except such as are required by this act. Whenever the owner of any coupon bond issued pursuant to the provisions of this act shall present such bond to the treasurer of the district with a request for the conversion of such bond into a registered bond, the said treasurer shall cut off and cancel the coupons of any such coupon bond so presented and shall stamp, print, or write upon such coupon bond so presented, either upon the back or the face thereof, as may be convenient, a statement to the effect that the said bond is registered in the name of the owner and that thereafter the interest and principal of said bond are payable to the registered owner. Thereafter, and from time to time, such bond may be transferred by such registered owner in person or by attorney duly authorized on presentation of such bond to the treasurer of the district and the bond again registered as before, a similar statement being stamped, printed, or written thereon. Such statement stamped, printed, or written upon any such bond may be substantially in the following form:

(Date, giving month, year, and day.)

This bond is registered pursuant to the statutes in such case made and provided, in the name of (here insert name of owner), and the interest and principal thereof are hereafter payable to such owner.

Treasurer.....Sanitary District.

If any bond shall be registered as aforesaid, the principal and interest of such bond shall be payable to the registered owner. The treasurer of the district shall enter in a register of said bonds to be kept by him, or in a separate book, the fact of the registration of such bond and the name of the registered owner thereof, so that said register or book shall at all times show what bonds are registered and the name of the registered owner thereof.

SEC. 47. Board of directors may levy maintenance assessment.—To maintain, operate, and preserve the reservoirs, sewers, pumping stations, treatment and disposal works, or other improvements made pursuant to this act, other than those connected with the development of a water supply for the district and to strengthen, repair, and restore the same, when needed, and for the purpose of defraying the current expenses of the district, other than those expenses connected with the water supply of the district, the board of directors may upon the substantial completion of said improvements, and on or before the 1st day of September in each year thereafter, levy an assessment upon each tract or parcel of land and upon corporate property within the district, subject to assessments under this act, to be known as a "Sanitary district maintenance assessment." Said maintenance assessment shall be apportioned upon the basis of the total appraisal of benefits accruing for original and subsequent construction shall not exceed 1 per cent thereof in any one year unless the court shall by its order authorize an assessment of a larger percentage, and shall be certified in duplicate to the auditor of each county in which lands of said district are situate, in the same book but in a separate column, or in a separate book kept for that purpose in like manner and at the same time as the annual installment tax is credited, under the heading "Maintenance assessment." Said auditor shall certify the same to the treasurer of the county at the same time that he certifies the annual installment of the bond fund, and the sum of the installments of both funds for any tract may be certified as a single item. The treasurer shall demand and collect the maintenance assessment and make return thereof, and shall be liable for the same penalties for failure or neglect so to do as may be provided herein for the annual installment of the assessment. The amount of the maintenance tax paid by any parcel of land shall not be credited against the benefits assessed against such parcel of land, but the maintenance tax shall be in addition to any tax that has been or can be levied against the benefit assessment.

To maintain, operate, and preserve the improvements of the district made in connection with the development of the water supply for domestic, municipal, and public use within the district, and to strengthen, repair, and restore the same, and to defray the current expense of the district for this purpose, the board of directors may use moneys from the maintenance fund for this purpose which shall be derived from the sale of water to public corporations and persons within the district. The rates to be charged for such water shall be uniform and shall be fixed and adjusted from time to time at intervals of not less than one year by the board of directors so that the income thus produced will be adequate to provide a maintenance fund sufficient for the purpose of the district, and contracts for supplying water to public corporations and persons shall be entered into before such service is rendered by the district, and such contracts shall specify the maximum quantity of water which will be furnished to the public corporation or person, and this quantity shall be fixed so as to distribute the supply with an equitable apportionment. Preference shall be given to water supply furnished to public corporations for domestic, municipal, and public use. Bills for water supplied to a public corporation shall be rendered to the proper managing officers of such corporation at monthly intervals and shall be paid from the funds of the waterworks department of such

public corporation; and if such department is unable to pay such indebtedness the governing or taxing body of such public corporation shall provide the necessary funds for the payment of the same by borrowing money, levying taxes, or in other manner permitted by law.

SEC. 48. *Petition for readjustment of maintenance assessments.*—Whenever the owners or representatives of 25 per cent or more of the acreage or value of the lands in the district shall file a petition with the clerk of the court in whose office the petition was filed, stating that there has been a material change in the values of the property in the district since the last previous appraisal of benefits, and paying [praying?] for a readjustment of the appraisal of benefits for the purpose of making a more equitable basis for the levy of the maintenance assessment, the said clerk shall give notice of the filing and hearing of said petition in the manner hereinbefore provided. Upon hearing of said petition, if said court shall find there has been a material change in the value of property in said district since the last previous appraisal of benefits, the court shall order that there be a readjustment of the appraisal of benefits for the purpose of providing a basis upon which to levy the maintenance assessment of said district. Thereupon the court shall direct the appraisers of the sanitary district to make such readjustment of appraisal in the manner provided in this act, and said appraisers shall make their report; and the same proceedings shall be had thereon, as nearly as may be, as are herein provided for the appraisal of benefits accruing for original construction: *Provided*, That in making the readjustment of the appraisal of the benefits said appraisals shall not be limited to the aggregate amount of the original or any previous appraisal of benefits, and that after the making of such readjustment the limitation of the annual maintenance assessment to 1 per cent of the total appraised benefits shall apply to the amount of the benefits as readjusted: *And provided further*, That there shall be no such readjustment of benefits oftener than once in eight years.

SEC. 49. *Annual levy.*—The board of directors shall each year thereafter determine, order, and levy the part of the total assessments levied under this act, which shall become due and be collected during each year at the same time that State and county taxes are due and collected, which annual levy shall be evidenced and certified by said board not later than September 1 each year to the auditor of each county in which the real property of said district is situate. The certificate of said annual levy shall be substantially as in the schedule herein. Then shall follow a table or schedule showing in properly ruled columns: 1. The names of the owners of said property, which may be as they appeared in the decree of the court confirming the appraisals. In case of a city, county, village, or township the names of individual owners need not be given, but only the name of the city, county, village, or township. 2. The descriptions of the property opposite the names of the said owners. 3. The total amount of the said annual installment of all assessments on each piece of property for the account of all funds. 4. A blank column in which the auditor shall record the several amounts as collected by him. 5. A blank column in which the auditor shall record the date of payment of the different sums. 6. A blank column in which the auditor shall report the names of the person or persons paying the several amounts. The said certificate and report shall be prepared in triplicate in a well-bound book which shall be indorsed and named "Sanitary District Assessment Book of _____ District, _____ County, Ohio," which indorsement shall also be printed at the top of each page in said book. A separate record shall be maintained in case the purposes of the district include both improved sanitation and improved water supply.

Two copies of that part of such triplicate affecting lands in any county shall be forwarded to the county auditor of such county, one for his use and one for the county treasurer, to whom the auditor shall certify one copy. It shall be the duty of the auditor of each county to receive the same as a tax book, and to certify the same, as other tax records of the county treasurer of his county, whose duty it shall be to collect the same according to law. And such tax book or assessment book shall be the treasurer's warrant and authority to demand and receive the assessments due in his county, as found in the same. In the event of any failure or neglect of the board of directors of the district to determine and order an annual levy for the purpose of paying the interest and principal of any bonds, pursuant to this act, it shall be the duty of the auditor of the county in which the lands, subject to such assessments are situated, to make and complete a levy of the taxes or special assessments necessary for the said purpose against the lands in the said district, and each piece of property therein against which benefits shall have been appraised; any assessment so made and completed by the county auditor shall be made and completed by him in the manner hereinbefore provided for the making and completion of an assessment by the board of directors of the district, and shall have the same force and effect as a levy of assessments determined and ordered by the board of directors.

SEC. 50. Duties of county officers.—The county treasurer of each county in which lands of the district lie shall make due report to the auditor of the county of the sums collected by him, and it shall be the duty of the auditor to issue his warrant payable to the treasurer of the district for all sums of money in the hands of the treasurer of the county, according to his report, as aforesaid. Said auditor shall, as soon as the books for collection are closed by the county treasurer according to law, make report to the treasurer of the said district of the sums collected and of the assessments not collected, as returned to him by the treasurer of the county. The secretary of the board of directors shall thereupon provide a certified delinquent tax or assessment list, and forward the same in duplicate to the auditor of said county, who shall add the penalty fixed by law and transmit one copy to the treasurer of the county, who shall forthwith proceed to collect the said tax or levy or assessment and penalty, according to law. All assessments or taxes provided for in this act remaining unpaid after they become due and collectible, shall be delinquent and bear a penalty of 2 per cent a month from the date of closing the county treasurer's books until paid. The return of the auditor shall be verified by affidavit.

SEC. 51. Bond of county treasurer.—Before receiving the aforesaid "assessment book" the treasurer of each county, in which lands or other property of the district are located, shall execute to the board of directors of the district a bond with at least two good and sufficient sureties or a surety company, and which shall be paid for by the district in a sum not less than the probable amount of any annual levy of said assessment to be collected by him during any one year, conditioned that said treasurer shall pay over and account for all assessments so collected by him according to law. Said bond, after approval by said board of directors, shall be deposited with the secretary of the board of directors, who shall be custodian thereof and who shall produce same for inspection and use as evidence whenever and wherever lawfully requested so to do.

SEC. 52. Sanitary district assessment to constitute a lien; how evidenced.—All sanitary district assessments and taxes provided for in this act, together with all penalties for default in payment of the same, all costs in collecting the same, including a reasonable attorney's fee, to be fixed by the court and taxed as costs in the action brought to enforce payment shall, from date of filing the

certificate herein described in the office of the auditor for the county wherein the lands and properties are situate, until paid constitute a lien, to which only the lien of the State for general State, county, city, village, school, and road taxes shall be paramount upon all the lands and other property against which such taxes shall be levied as is provided in this act. Such lien may be evidenced by a certificate substantially in the form in the schedule herein. The certificate and tables shall be prepared in a well-bound book, by the secretary of the board of directors, at the expense of the district. Unless expressly declared to the contrary, no warranty in any warranty deed or in any deed made pursuant to a judicial sale shall warrant against any portion of any assessment or assessments levied hereunder except past and current installments payable in the year which such deed or deeds bear date.

SEC. 53. *Assessment book to be prima facie evidence; suits for assessments and taxes; how brought.*—The "Delinquent sanitary district assessment book" of the district shall be prima facie evidence in all courts of all matters therein contained. The liens established and declared in the preceding sections may be enforced at the option of the board of directors by an action on delinquent tax bills or assessment bills, made and certified by the county auditor, which action shall be instituted in the court of common pleas without regard to the amount of the claim, within six months after December 31 of the year for which said assessments were levied. The suit shall be brought in the corporate name of the district by its attorney against the land or lands, property or properties, on which such tax or assessment has not been paid. In the event of any default in the payment of the interest or principal of any bonds issued pursuant to this act, and if the said district or its proper officers shall fail or neglect to enforce the payment of any unpaid tax or assessment, the holder of such bonds may, for himself and for the benefit of all others similarly situated, enforce the said liens by suit or action against the land or lands, property or properties, on which such tax or assessment has not been paid, and against the said district, and the court shall have full power, jurisdiction, and authority to apply the said tax when collected in the payment of the interest or principal upon the said bonds as justice and equity may require. The suit shall be brought in the county in which the property is situate, except when the tract of property sued upon be in more than one county, in which event the suit may be brought on the whole tract, parcel, or property in any county in which any portion thereof may be situate. The pleadings, process, proceedings, practice, and sales in cases arising under this act shall, except as herein provided, be the same as in an action for the enforcement of the State's lien for delinquent general taxes upon real estate. All sales of lands made under this section shall be by the sheriff, as is now provided under the general law. All sheriff's deeds executed and delivered pursuant to this act shall have the same probative force as other deeds executed by a sheriff. Abbreviations shall not defeat the action. The title acquired through any sale of lands or other property under the aforesaid proceedings shall be subject to the lien of all subsequent annual installments of district tax or assessment. In all suits for the collection of delinquent taxes or assessments the judgment for said delinquent taxes or assessments and penalty shall also include all costs of suit and a reasonable attorney's fee to be fixed by the court, recoverable the same as the delinquent tax and in the same suit. The proceeds of sales made under and by virtue of this act shall be paid at once to the aforesaid county treasurer and shall be properly credited and accounted for by him the same as other district taxes and assessments. If any assessments made pursuant to the provisions of this act shall prove invalid, the board of directors shall by subsequent or amended acts or proceedings promptly and without delay

remedy all defects or irregularities as the case may require by making and providing for the collection of new assessments or otherwise.

SEC. 54. *Duties of officers as to assessments.*—Whenever under the provisions of this act an assessment is made or a tax levied against a county, city, village, or township, it shall be the duty of the governing or taxing body of such political subdivision, upon receipt of the order of the court which established the district, confirming the appraisal of benefits and the assessment based thereon, to receive and file the said order and to immediately take all the legal and necessary steps to collect the same. It shall be the duty of the said governing or taxing body or persons to levy and assess a tax by a uniform rate upon all the taxable property within the political subdivision, to make out the proper duplicate, certify the same to the auditor of the county in which said subdivision is, whose duty it shall be to receive the same, certify the same for collection to the treasurer of the county, whose duty it shall be to collect the same for the benefit of the sanitary district, all of said officers above named being authorized and directed to take all the necessary steps for the levying, collection, and distribution of such tax. Nothing in this section shall prevent the assessment of the real estate of other corporations or persons situated within such political subdivision which may be subject to assessment for special benefits to be received. In the event of any dissolution or disincorporation of any sanitary district organized pursuant to the provisions of this act, such dissolution or disincorporation shall not affect the lien of any assessment for benefits imposed pursuant to the provisions of this act, or the liability of any land or lands in such district to the levy of any future assessments for the purpose of paying the principal and interest of any bonds issued hereunder, and in that event, or in the event of any failure on the part of the officers of any district to qualify and act, or in the event of any resignations or vacancies in the office which shall prevent action by the said district or by its proper officers, it shall be the duty of the county auditor and of all other officers charged in any manner with the duty of assessing, levying, and collecting taxes for public purposes in any county, municipality, or political subdivision in which such lands shall be situated to do and perform all acts which may be necessary and requisite to the collection of any such assessment which may have been imposed and to the levying, imposing, and collecting of any assessment which it may be necessary to make for the purpose of paying the principal and interest of the said bonds. Any holder of any bonds issued pursuant to the provisions of this act or any person or officers being a party in interest, may either at law or in equity by suit, action, or mandamus, enforce and compel performance of the duties required by this act of any of the officers or persons mentioned in this act.

SEC. 55. *Penalty for failure of treasurer to pay over tax.*—If any county treasurer or other person intrusted with the collection of these assessments refuses, fails, or neglects to make prompt payment of the tax or any part thereof collected under this act to the treasurer of said district upon his presentation of a proper demand, then he shall pay a penalty of 10 per cent on the amount of his delinquency; such penalty shall at once become due and payable and both he and his securities shall be liable therefor on his official bond. The said county treasurer shall retain for his services 1 per cent of the amount he collects on delinquent taxes.

SEC. 56. *Surplus funds and annual reports.*—Any surplus funds in the treasury of the district may be used for retiring bonds, reducing the rate of assessment, or for accomplishing any other of the legitimate objects of the district. At least once a year, or oftener if the court shall so order, the board of directors shall make a report to the court of its proceedings and an accounting of re-

ceipts and disbursements to that date which shall be filed with the clerk of the court.

The bureau of inspection and supervision of public offices shall inspect and supervise the accounts and reports of the district and all laws pertaining to said bureau shall be applicable to such inspection and supervision.

Said accounts shall be audited at least once a year by the department of the auditor of state.

SEC. 57. *Compensation of officials under this act.*—The members of the board of directors and the board of appraisers shall receive proper compensation to be fixed by the court in accordance with the time actually employed in performance of duties and shall also receive necessary expenses incurred in performance of duties. Before any duties devolve upon a county auditor or a county treasurer under this act, the board of directors of the district shall consult them and agree upon the salaries for the extra clerical force, if any, required in their respective offices to carry out the requirements of the law by reason of the establishment of said district, and the said board of directors shall provide for and pay said salaries to said clerk or clerks, while engaged on the work of the district, which clerks shall be selected and appointed by each of said county officers for their respective offices. In case of disagreement as to the compensation of such extra clerical force, the matter shall be referred to the court for its determination.

VI. INTERCORPORATE RELATIONS AND CONFLICT IN JURISDICTION.

SEC. 58. *Lands in more than one district.*—The same land, if conducive to public health, safety, convenience, or welfare, may be included in more than one district and be subject to the provisions of this act for each and every district in which it may be included: *Provided*, That no district shall be organized under this act in whole or in part within the territory of a district already organized under this act until the court or courts determine whether the public health, safety, convenience, or welfare demand the organization of an additional district, whether it demand that the territory proposed to be organized into an additional district shall be added to the existing district; and in case the proceedings concerning two or more such districts are before the court of common pleas of two or more counties, such determination shall be as provided in the next section.

SEC. 59. *Jurisdiction.*—In case any district or districts are being organized within, or partly within and partly without, the same territory in which some other district or districts have been or are being organized, one common pleas judge of each county in which such districts have been or are being organized shall confer at the earliest convenient moment after they ascertain the possibility of a conflict in jurisdiction, the sitting to be had in the county having the largest assessed valuation in the proposed district or districts. At such conference the several judges shall determine to what extent the several districts should be consolidated or to what extent the boundaries should be adjusted in order to most fully carry out the purposes of this act; and they shall by suitable orders make such determination effective. In event notices have been issued or jurisdiction acquired in any proceeding concerning territory which is transferred to the court of common pleas of another county such notice shall not become void and jurisdiction so acquired shall not be lost; but in each case the court acquiring jurisdiction over such transferred territory shall hold the same without further notice as if originally embraced in said district. At such conferences the decision of the majority of the judges shall be final. The

provisions of this and of the preceding section shall not operate to delay or to interrupt any proceeding under this act until the question of jurisdiction has been finally determined.

SEC. 60. Union of districts.—In case two or more districts have been organized under this act in a territory which, in the opinion of the directors of either of the districts, should constitute but one district, the board of directors of any of the districts may petition the court for an order uniting said districts into a single district. Said petition shall be filed in the office of the clerk of that county which has the greatest valuation of real property within the districts sought to be included, as shown by the tax duplicates of the respective counties. Said petition shall set forth the necessity for such union of the two or more districts and that the union of said districts would be conducive to the public health, convenience, safety, or welfare, and to the economical execution of the purposes for which the districts were organized. Upon receipt of said petition the clerk of said court shall give notice by publication or by personal service to the board of directors or boards of directors of the district or districts which it is desired to unite with the district of the petitioners. Such notice shall contain the time and place where the hearing on the petition will be had and the purpose of the same. Such hearing shall be had in accordance with the provisions of this act in original hearing. After the hearing, should the court find that the averments of the petition are true and that the said districts, or any of them, should be united, it shall so order, and thereafter such districts shall be united into one and proceed as such. The court shall designate the corporate name of such united district, and such further proceedings shall be taken as provided for in this act. The court shall direct in such order who shall be the directors of such united district, who shall thereafter have such powers and be subject to such regulations as are provided for directors in districts created in the first instance. All legal proceedings already instituted by or against any of such constituent districts may be revived and continued against such united district by an order of court substituting the name of such united district for such constituent district, and such proceedings shall then proceed as herein provided.

Instead of organizing a new district from such constituent districts, the court may, in its discretion, direct that one or more of such districts described in the petition be included into another of said districts, which other shall continue under its original corporate name and organization, or it may direct that the district or districts so absorbed shall be represented on the board of directors of the original district, designating what members of the board of directors of the original district shall be retired from the new board and what members representing the included district or districts shall take their places; or it may direct that the included district or districts shall become subdistricts of the main district. In case the districts sought to be united were organized in different counties, then the court to determine the question involved shall consist of one judge from each of the counties in the court of which one of the districts was organized, and the decision of the majority of the judges shall be final. No action under the provisions of this section shall operate to interrupt or delay any proceeding under this act until the questions involved were finally determined.

SEC. 61. Remedy for injury by district.—In case any person or public corporation within or without any district organized under this act shall consider itself injuriously affected in any manner whatsoever by any act performed by any official or agent of such district, or by the execution, maintenance, or operation of the official plan, and in case no other method of relief is offered under

this act, the remedy shall be as follows: The person or public corporation considering itself to be injuriously affected shall petition the court before which said district was organized for an appraisal of damages sufficient to compensate for such injuries. The court shall thereupon direct the board of appraisers of the district to appraise said damages and injuries and to make a report to the court on or before the time named in the order of the court. Upon the filing of said report of said board of appraisers the court shall cause notice to be given to the petitioner and to the directors of the district of a hearing on said report. At the time of such hearing the court shall consider said report of said appraisers, and may ratify said report or amend it, as the court may deem equitable, or may return it to the said board of appraisers and require them to prepare a new report. Upon the filing of an order of the court approving said report of said appraisers, with such modifications as it may have made, said order shall constitute a final adjudication of the matter unless it shall be appealed from within 20 days. Appeal to a jury from said order may be had as provided in the general appropriation statute by the petitioner, by the directors of the district, or by any person or corporation who has been assessed for the costs of the district. No damages shall be allowed under this section which would not otherwise be allowed in law.

SEC. 62. *Subdistricts.*—Whenever it is desired to construct improvements wholly within or partly within and partly without any district organized under this act, which improvements will affect only a part of said district, for the purpose of accomplishing such work, subdistricts may be organized upon petition of the owners of real property, within or partly within and partly without the district, which petition shall fulfill the same requirements concerning the subdistricts as the petition outlined in section 3 of this act is required to fulfill concerning the organization of the main district, and shall be filed with the clerk of the same court of common pleas and shall be accompanied by a bond as provided for in section 4 of this act. All proceedings relating to the organization of such subdistricts shall conform in all things to the provisions of this act relating to the organization of districts. Whenever the court shall by its order duly entered of record declare and decree such subdistricts to be organized, the clerk of said court shall thereupon give notice of such order to the directors of the district, who shall thereupon act also as directors of the subdistrict. Thereafter the proceedings in reference to the subdistrict shall in all matters conform to the provisions of this act; except that in appraisal of benefits and damages for the purposes of such subdistricts, in the issuance of bonds, in the levying of assessments or taxes, and in all other matters affecting only the subdistricts the provisions of this act shall apply to this subdistrict as though it were an independent district, and it shall not in these things be amalgamated with the main district. The board of directors, board of appraisers, chief engineer, attorney, secretary, and other officers, agents, and employees of the district shall, so far as it may be necessary, serve in the same capacities for such subdistricts, and contracts and agreements between the main district and the subdistrict may be made in the same manner as contracts and agreements between two districts. The distribution of administrative expense between the main district and subdistrict shall be in proportion to the interests involved and the amount of service rendered, such division to be made by the board of directors with an appeal to the court establishing the district. This section shall not be held to prevent the organization of independent districts for local improvements under other laws within the limits of a district organized under this act, as provided in sections 58 and 59 of this act.

VII. POLICE POWERS AND REGULATIONS.

SEC. 63. *May police district.*—The board of directors shall have the right to police the works of the district and in times of great emergency may compel assistance in the protection of such works, and shall also have the right to prevent persons, vehicles, or live stock from passing over the works of the district in any manner which would result in damage thereto.

SEC. 64. *Injury to survey marks prohibited.*—The willful destruction, injury, or removal of any bench marks, witness marks, stakes, or other reference marks placed by the surveyors or engineers of the district or by contractors in constructing the works of the district shall be a misdemeanor punishable by fine not exceeding \$100.

SEC. 65. *Owners liable for damage to district.*—All persons and corporations shall be liable for damage done to works of the district by themselves, their agents, their employees, or by their live stock. All persons guilty of willful damage shall be guilty of a misdemeanor and shall be fined not to exceed \$500 and costs and shall be liable for all damages and costs. The board of directors shall have authority to repair such damage at the expense of the person or corporation committing it.

SEC. 66. *Penalty for fraud.*—The making of profit, directly or indirectly, by any officer of any district organized under this act, or by any other public officer within the State, out of any contracts entered into by the district, or use of any money belonging to district by loaning it or otherwise using it, or by depositing the same in any manner contrary to law, or by removal of any money by any such officer or by his consent and placing it elsewhere than is prescribed either by law or by the official acts of the board of directors, for the purpose of profit, shall constitute a felony and on conviction thereof shall subject such officer to imprisonment in the State penitentiary for a term not exceeding two years or a fine not exceeding \$5,000, or both fine and imprisonment, and the officer offending shall be liable personally and upon his official bond for all losses to such district and for all profits realized by such unlawful use of moneys.

[SEC. 67. ?] *Officials removed for or without cause.*—Any director, appraiser, or other officer or employee of any district organized under this act may be removed for or without cause at any time by the authority appointing him or them.

SEC. 68. *Performance of duties enforced by mandamus.*—The performance of all duties prescribed in this act concerning the organization and administration or operation of the district may be enforced against any officer or against any person or corporation refusing to comply with any order of the board by mandamus at the instance of the board or of any person or corporation interested in any way in such district or proposed district. And the board may institute such proceedings in the court of appeals in the first instance.

VIII. CONSTRUCTION AND INTERPRETATION.

SEC. 69. *Faulty notice; how corrected.*—In any and every case where a notice is provided for in this act, if the court finds for any reason that due notice was not given, the court shall not thereby lose jurisdiction, and the proceeding in question shall not thereby be void; but the court shall in that case order due notice to be given, and shall continue the hearing until such time as such notice shall be properly given, and thereupon shall proceed as though notice had properly been given in the first instance. In case any individual appraisal, or appraisals, assessment or assessments, or levy or levies shall be void for want

of legal notice or in case the board may determine that any notice with reference to any land or lands may be faulty, then the board may file a motion in the original cause asking that the court order notice to the owner of such land or lands given and set a time for hearing as provided in this act. And in case the original notice as a whole was sufficient, and was faulty only with reference to publication as to certain tracts, only the owners of and persons interested in those particular tracts need be notified by such subsequent notice. And if the publication of any notice in any county was defective or not made in time, publication of the defective notice need be had only in the county in which the defect occurred.

SEC. 70. *Question of validity advanced in courts.*—All cases in which there arises a question of the validity of the organization of sanitary districts shall be advanced as a matter of immediate public interest and concern, and heard in all courts at the earliest practicable moment. The court shall be open at all times for the purposes of this act.

SEC. 71. *If part declared unconstitutional.*—In case any section or sections or part of any section of this act shall be found to be unconstitutional, the remainder of this act shall not thereby be invalidated, but shall remain in full force and effect.

SEC. 72. *What other acts are repealed.*—All acts or parts of acts conflicting in any way with any of the provisions of this act in regard to improvements of this or a similar character or regulating or limiting power of taxation or assessment, or otherwise interfering with the execution of this law according to its terms, are hereby declared inoperative and ineffective as to this act, as if they did not exist, but all such laws and parts of laws shall not be in any other way affected by this law. This act shall not repeal the act or any part thereof passed February 5, 1914, and approved February 17, 1914, known as the conservancy act of Ohio, volume 104, page 13, Ohio Laws.

SEC. 73. *Short forms and abbreviations.*—For the sake of convenience:

(a) In any orders of court the words "The court now here finds that it hath jurisdiction of the parties to and of the subject matter of this proceeding" shall be equivalent to a finding that each jurisdictional fact necessary to confer plenary jurisdiction upon the court, beginning with the proper signing and filing of the initial petition to the date of the order to meet every legal requirement imposed by this act.

(b) No other or further evidence of the legal hypothecation of the special tax to the payment of the bonds shall be required than the passage of a bonding resolution by the board of directors and the issuance of bonds in accordance therewith.

(c) In the preparation of any assessment or appraisal roll the usual abbreviations employed by engineers, surveyors, and abstractors may be used.

(d) Where properly to describe any parcel of land, it would be necessary to use a long description, the appraisers, after locating the land generally, may refer to the book and page of the public record of any instrument in which the land is described, which reference shall suffice to identify for all the purposes of that act the land described in the public record so referred to.

(e) It shall not be necessary in any notice required by this act to be published to specify the names of the owners of the lands or of the persons interested therein, but any such notice may be addressed "To all persons interested" with like effect as though such notice named by name every owner of any lands within the territory specified in the notice and every person interested therein and every lienor, actual or inchoate.

(f) Every district declared upon hearing to be a sanitary district shall thereupon become a political subdivision and a public corporation of the State

of Ohio, invested with all the powers and privileges conferred upon such districts by this act.

IX. SCHEDULE.

SEC. 74. Forms and suggestions.—The following forms may suffice to illustrate the character of the procedure contemplated by this act; and if substantially complied with, those things being changed which (to meet the requirements of the particular case) should be changed, such procedure shall be held to meet the requirements of this act.

1. FORM OF NOTICE OF HEARING ON THE PETITION.

To all persons interested:

Public notice is hereby given:

1. That on the _____ day of _____, 19____, pursuant to the provisions of the sanitary district act of Ohio, there was filed in the office of the clerk of the court of common pleas of _____ County, Ohio, the petition of _____ and others for the establishment of a sanitary district to be known as _____ Sanitary District. (Here insert the purposes.)

2. That the lands sought to be included in said district comprise lands in _____ and _____ Counties, Ohio, described substantially as follows:

Beginning on the north line of _____ County at its point of intersection with the west bank of the _____ River; thence west along the north line of _____ County to the high bluffs facing said _____ River on the west; thence following the base of the line of said bluffs to the north line of the right of way of the _____ Railroad; thence west along the north right-of-way line of said railroad to the center line of _____ Avenue in the village of _____; thence south along the center line of _____ Avenue to the _____ Pike; thence southeasterly along the _____ Pike to the southeasterly line of the right of way of the _____ Railroad; thence southeasterly along said right-of-way line to the corporate limits of the city of _____; thence with said corporation line southerly, easterly, and northerly to the southerly right-of-way line of the main track of the _____ Railroad; thence easterly along said last-named right-of-way line to the boundary line between _____ Counties; thence north along said county line to the southerly line of _____ County; thence easterly along the dividing line between _____ Counties to the easterly line of the right of way of the _____ Railroad; thence northerly along said right-of-way line to its intersection with the _____ Pike; thence westerly along said pike to the center line of the bridge over _____ Creek; thence up said creek and along the center line thereof to the north line of _____ County; thence west to the place of beginning.

Or, if found more convenient, the lands sought to be included in the district may be described as follows:

All of township _____, in range _____, between the _____ Railroad and the _____ River; the following lands in _____ Township and _____ range; section _____ and the _____ half of section _____; also all lands within the corporate limits of the city of _____, etc., etc., etc.

3. That a public hearing on said petition will be had in said court on _____, the _____ day of _____, at the hour of _____ o'clock ____ m. by the court of common pleas of _____ County, at the courthouse in the city of _____, _____ County, Ohio.

All persons and public corporations owning or interested in real estate within the territory hereinbefore described will be given the opportunity to be heard at the time and place above specified.

Clerk of the Court of Common Pleas
of _____ County, Ohio.

Dated _____, Ohio, _____, 19____.

2. FORM OF FINDING ON HEARING.

STATE OF OHIO,

County, ss:

In the court of common pleas _____ County. In the matter of
 _____ Sanitary District:

Findings and Decree on Hearing.

On this _____ day of _____, 19____, this cause coming on for hearing on the petition of _____ and others, for the organization of a sanitary district under the sanitary district act of the State of Ohio, the court, after a full hearing, now here find:

1. That it hath jurisdiction of the parties to, and the subject matter of this proceeding.
 2. That the purposes for which said district is established are: (Insert the purposes.) And that it is a public necessity.

3. That the public safety, health, convenience, and welfare will be promoted by the organization of a sanitary district substantially as prayed in said petition (if additional lands are added by petition) except that the following additional lands at the petition of the owners thereof should be, and hereby are, included in said district: (Here insert additional lands.)

4. That the boundaries of said district as modified by the last finding herein are as follows: (Here insert corrected boundaries of district.)

5. That the said territory last above described should be erected into and created a sanitary district under the sanitary district act of the State of Ohio under the corporate name of _____ Sanitary District.

Wherefore, it is by the court ordered, adjudged, and decreed:

That the territory as above described be, and the same hereby is erected into and created a sanitary district under the sanitary district act of Ohio under the corporate name of _____ Sanitary District, with its office or principal place of business at _____, in _____ County, Ohio. (If directors are appointed at the same time.) And the following persons are hereby appointed directors of said sanitary district:

_____ for the term of three years.
 _____ for the term of five years,
 _____ for the term of seven years.

who are hereby directed to qualify and proceed according to law.

6. For consideration of other matters herein, this cause is retained on the docket.

_____, Judge.

3. FORM OF NOTICE TO PROPERTY OWNERS TO PAY ASSESSMENT.

_____ Sanitary District.

To all persons interested:

Public notice is hereby given:

1. That on the _____ day of _____, 19____, the board of directors of _____ Sanitary District duly levied for the account of the bond fund of said district an assessment upon all the property in said district in the aggregate sum of _____, has caused the same to be extended upon the assessment duplicate of said district, and that said assessment duplicate is now in collection by the county treasurer of the county in which the lands are situated.

2. That the entire assessment against any parcel of land may be paid at any time on or prior to _____, 19____, without costs and without interest.

3. That as soon after the _____ day of _____, 19____, as conveniently may be, the board of directors of said district will divide the uncollected portion of said assessment into convenient installments and will issue bonds bearing interest not exceeding 6 per cent per annum in anticipation of the collection of the several installments of said assessment, pursuant to the sanitary district act of the State of Ohio.

 President.

 Secretary.

4. FORM OF BOND AND OF COUPON.

(Form of bond).

No.-----

\$-----

United States of America, State of Ohio.

----- Sanitary District.

Sanitary district bond.

Know all men by these presents, that ----- Sanitary District, a legally organized sanitary district of the State of Ohio, acknowledges itself to owe and for value received hereby promises to pay to bearer ----- dollars (\$-----) on the first day -----, 19--, with interest thereon from the date hereof until paid at the rate of ----- per cent per annum, payable -----, 19--, and semiannually thereafter on the first day of ----- and of ----- in each year on presentation and surrender of the annexed interest coupons as they severally become due. Both principal and interest of this bond are hereby made payable in lawful money of the United States of America at the office of the treasurer of the State of Ohio, in the city of Columbus, Ohio.

This bond is one of a series of bonds issued by ----- Sanitary District for the purpose of paying the cost of constructing a system of trunk sewers (or for other works) for said district and in anticipation of the collection of the several installments of an assessment duly levied upon lands within said district and benefited by said improvement in strict compliance with the sanitary district act of Ohio and pursuant to an order of the board of directors of said district duly made and entered of record.

And it is hereby certified and recited that all acts, conditions, and things required to be done in locating and establishing said district and in equalizing appraisals of benefits and in levying assessments against lands benefited thereby, and in authorizing, executing, and issuing this bond, have been legally had, done, and performed in due form of law; that the total amount of bonds issued by said district does not exceed 90 per cent of the assessments so levied and unpaid at the time said bonds are issued or any legal limitation thereof.

And for the performance of all the covenants and stipulations of this bond and of the duties imposed by law upon said district for the collection of the principal and interest of said assessments and the application thereof to the payment of this bond and the interest thereon and for the levying of such other and further assessments as are authorized by law and as may be required for the prompt payment of this bond and the interest thereon the full faith, credit, and resources of said ----- Sanitary District are hereby irrevocably pledged.

In testimony whereof the board of directors of ----- Sanitary District has caused this bond to be signed by its president and sealed with the corporate seal of said district, attested by its secretary, and registered by the State treasurer of the State of Ohio, and the coupons hereto annexed to be executed by the fac-simile signature of said president and secretary as of the ----- day of ----- 19--.

President.

Attest:

Secretary.

(Form of coupon.)

\$-----

On the 1st day of -----, 19--, ----- Sanitary District promises to pay to bearer ----- dollars (\$-----) lawful money of the United States of America, at the office of the treasurer of the State of Ohio, in the city of Columbus, Ohio, being semiannual interest due on that date on its sanitary district bond dated -----, 19--.

No.-----

President.-----
Secretary.

5. FORM OF NOTICE OF ENLARGEMENT OF DISTRICT.

STATE OF OHIO,

County of _____, ss.:

In the court of common pleas, _____ County, Ohio.

In the matter of _____ Sanitary District.

Notice of Enlargement of District.

To all persons (and public corporations, if any) interested:

Public notice is hereby given:

1. That heretofore on the _____ day of _____, 19__ the court of common pleas of _____ County, Ohio, duly entered a final decree erecting and creating _____ Sanitary District and appointing a board of directors therefor.

2. That thereafter this court duly appointed _____ to be the board of appraisers for said district. That said board of appraisers on the _____ day of _____, 19__, filed their report recommending that the following-described lands, not originally included in the district, be added thereto: (Here describe generally the lands which the report of the board of appraisers recommends should be added to the district.)

3. That on _____, the _____ day of _____, 19__ (or as soon thereafter as the convenience of the court will permit), at the courthouse in _____ of _____, Ohio, the court of common pleas of _____ County, Ohio, will hear all persons and public corporations, who are owners of or interested in the property described in this notice upon the question whether said lands should be added to and included in said _____ Sanitary District.

Clerk of the Court of Common Pleas
of _____ County, Ohio.

6. FORM OF NOTICE OF HEARING ON APPRAISALS.

STATE OF OHIO,

County of _____, ss.:

In the court of common pleas, _____ County, Ohio.

In the matter of _____ Sanitary District.

Notice of Hearing on Appraisals.

To all persons and public corporations interested:

Public notice is hereby given:

1. That heretofore on the _____ day of _____, 19__, the court of common pleas of _____ County, Ohio, duly entered a decree erecting and creating _____ Sanitary District and appointing a board of directors therefor.

2. That thereafter this court duly appointed _____ the board of appraisers for said district. That said board of appraisers on the _____ day of _____, 19__, filed their appraisal of benefits and damages and of land to be taken as follows: (Here insert general description of land appraised.)

The said appraisal of benefits and damages and of land to be taken is now on file in the office of the clerk of this court.

3. All public corporations and all persons, owners of or interested in the property described in said report, whether as benefited property or as property taken and damaged (whether said taken or damaged property lies within or without said district), desiring to contest the appraisals as made and returned by the board of appraisers, must file their objections in said court on or before the _____ day of _____, 19__ (here insert a date 10 days after the last publication of the notice), and a hearing on said appraisal will be had on the _____ day of _____, 19__ (here insert a date not less than 20 nor more than 30 days after the date of the last publication of this notice, as fixed by the court), in the

city of _____, Ohio, at which time an opportunity will be afforded all objectors to be heard upon their several objections.

Clerk of the Court of Common Pleas
 of _____ County, Ohio.

Dated at the city of _____, Ohio, this _____ day of _____, 19__.

7. FORM OF CERTIFICATE OF LEVY OF ASSESSMENTS.

STATE OF OHIO,

County of _____, ss:

To the auditor of _____ County, Ohio:

This is to certify that by virtue and under the authority of the sanitary district act of Ohio, the board of directors of _____ Sanitary District have and do hereby levy the sum of _____ dollars for the account of the bond fund of said district, which said assessment bears interest as provided by law and is payable in installments as follows: (Here insert.)

You are further notified that for the account of the maintenance fund for the year 19__ this board has levied the sum of _____ dollars.

The amounts of the said levies upon the several parcels of land upon which the same are imposed are set forth upon the schedule hereunto attached, marked "_____ Sanitary District Assessment Book." The said assessments shall be collectible and payable the present year in the sums therein specified at the same time that the State and county taxes are due and collectible, and you are directed and ordered to require the treasurer of _____ County, Ohio, to demand and collect such assessments at the time that he demands and collects the State and county taxes due on the same lands, and this sanitary district assessment book shall be your authority and the authority of the treasurer to make such collection.

Witness the signature of the president of said board of directors, attested by the seal of said corporation, and the signature of its secretary, this _____ day of _____, 19__.

President.

Secretary.

County Sewer Districts—Establishment and Maintenance—Acquisition, Construction, Maintenance, and Operation of Sewers and Sewage Treatment or Disposal Works—Employment of Sanitary Engineer—Creation and Maintenance of Sanitary Engineering Department in Certain Counties. (Act May 16, 1919.)

SECTION 1. That sections 6602-1, 6602-4, 6602-8b, and 6602-8h of the General Code be amended to read as follows:

SEC. 6602-1. For the purpose of preserving and promoting the public health and welfare, the boards of county commissioners of the several counties of this State may, by resolution, lay out, establish, and maintain one or more sewer districts within their respective counties, outside of incorporated municipalities. Each such district shall be designated by an appropriate name or number. Any board of county commissioners may acquire, construct, maintain, and operate such main, branch, intercepting, or local sewer or sewers within any such sewer district, and such outlet sewer or sewers and sewage treatment or disposal works within or without such sewer district, as may be necessary to care for and conduct the sewage or surface water from any or all parts of such sewer district to a proper outlet, so as to properly treat or dispose of same. Any such board of county commissioners may employ a competent sanitary engineer for such time or times and on such terms as they deem best; and, in any county having a population exceeding 100,000, the board of county commissioners may create and maintain a sanitary engineering department, to be under their supervision and in charge of a competent sanitary engineer,

to be appointed by such board of county commissioners, for the purpose of aiding them in the performance of their duties under this act or their other duties regarding sanitation provided by law; and said board shall provide suitable rooms for the use of such department and shall provide for and pay the compensation of such engineer and all necessary expenses of such engineer and department which may be authorized by such board. Any such sanitary engineer in charge of such sanitary engineering department, so appointed by such board of county commissioners, may, with the approval of such board, appoint necessary assistants and clerks, and the compensation of any of such assistants and clerks shall be fixed and paid by such board.

The board of county commissioners may make, publish, and enforce rules and regulations for the construction, maintenance, protection, and use of sewers and sewer improvements in their respective counties outside of incorporated municipalities, including the establishment of connections. Such rules and regulations shall not be inconsistent with the laws of the State of Ohio or the rules and regulations of the State board of health. No sewers or sewage treatment works shall be constructed in any county outside of incorporated municipalities by any person, firm, or corporation until the plans and specifications for the same shall have been approved by the board of county commissioners, and any such construction shall be done under the supervision of the county sanitary engineer, and any person, firm, or corporation proposing or constructing such improvements shall pay to the county all expenses incurred by the commissioners in connection therewith. The sanitary engineer shall have the right to enter upon any public or private property for the purpose of making surveys or examinations necessary for the laying out of sewer districts or designing or examining sewers or treatment works, and to make such surveys and examinations. No person, firm, or corporation shall forbid or interfere with the sanitary engineer or his duly authorized assistants entering upon such property for such purpose or making such surveys or examinations. If, however, actual damage is done to property by the making of such surveys and examinations, the commissioners shall pay the reasonable value of such damage to the owner of the property damaged, and such costs shall be included in the assessment upon the property benefited by the improvement for which such surveys and examinations are made. Any person or persons violating any provisions of this act or any rules or regulations herein provided for shall be liable to a fine not exceeding \$100 to be paid on conviction of such violation. All fines imposed and collected shall be paid to the county treasurer and credited to any county sewer improvement or maintenance fund as the county commissioners shall direct.

SEC. 6602-4. For the purpose of paying a part or the whole of the cost of construction, maintenance, repair, or operation of any improvement provided for in this act or for paying the sanitary engineer provided for under the provisions of this act, and for paying for his assistants and all his other necessary expenses, the board of county commissioners may borrow money at a rate of not exceeding 6 per cent per annum on certificates of indebtedness to be signed by its president and clerk; such certificates of indebtedness shall be made payable at a time not more than five years from their date, or, for such purposes, the board of county commissioners may issue bonds as herein provided, or may appropriate money from any funds in the county treasury available. After the adoption of the improvement resolution, to provide means to pay the cost of any such improvement, the board of county commissioners shall, by resolution of said board, appropriate any funds in the county treasury available for that purpose or, when necessary, may authorize the issue of bonds

of the county in an amount not exceeding the estimated cost thereof by more than 10 per cent, plus such amount as shall be necessary to pay the installments of interest on such bonds or on certificates of indebtedness to accrue before the first installment of taxes and assessments hereinafter provided for shall be collected. Such bonds shall state the particular improvement or improvements on account of which they are issued and the date of resolution or order of the board directing their issuance. Such bonds may bear interest at a rate not exceeding 6 per cent per annum, payable semiannually, may be of such denominations and payable at such time and place as the board of county commissioners shall provide, and may be issued from time to time as the work progresses and advertised and sold as other county bonds are required to be advertised and sold.

SEC. 6602-8b. The county sanitary engineer, upon the completion of any such improvement, shall prepare and present to the board an estimated assessment in proportion as nearly as may be to the benefits resulting from such improvement or improvements to such lots and lands, respectively. The board of county commissioners shall cause notice to be published once a week for two consecutive weeks in a newspaper published and of general circulation within the county, that such estimated assessment has been made and is on file in the office of such board, and that the same may be examined by all persons interested. Such notice shall contain a description of the lots or parcels of land within said district to be assessed, and shall designate a time and place, to be fixed by such board, when and where objections to the apportionment made in such estimated assessment will be heard by the board. Any such objections shall be in writing and shall be filed within 10 days after the date of the last publication of such notice. At the time and place designated for such hearing, or at other time or times to which such hearing may be adjourned, the board shall consider any such objections and hear and consider any competent evidence concerning any such objections, and shall determine any questions involved and may, if deemed proper, amend such estimated assessment and shall approve and confirm the same as made or as so amended, and, when so confirmed, the same shall be final and conclusive. The board of county commissioners may, from time to time and at such intervals as they may deem expedient, assess the lots and parcels of land specified in said notice of assessment and levy taxes upon the taxable property of the district so improved, to pay the cost of the maintenance and operation of any such improvement or improvements, including disposal of sewage, after completion thereof, and no notice shall be necessary of such maintenance, repair, or operation assessment unless the amount thereof shall exceed 10 per cent of the original cost of the construction. If such maintenance, repair, and operation assessment shall exceed 10 per cent of the original cost of the construction, the method and manner of making said assessment, together with the notice thereof, shall be the same as provided herein for the original assessment.

SEC. 6602-8h. At any time after the formation of any sewer district, the board of county commissioners, when deemed expedient, may, on application by a corporation, individual, or public institution outside of any sewer district, contract with such corporation, individual, or public institution for depositing sewage from premises outside such district in the sewers constructed or to be constructed to serve such district and for treatment or disposal thereof, on such terms and conditions as shall be by such board of county commissioners deemed equitable, but the amount to be paid shall in no case be less than the original assessment for similar property within the district, and such board of county commissioners, in any such case, shall appropriate any moneys received for such service to and for the use and benefit of such sewer district:

Provided, however, That whenever the board of county commissioners deem it necessary to contract with a corporation, individual, or public institution for depositing sewage from premises outside such sewer district in the sewers constructed or to be constructed to serve such district, they shall so determine by resolution, and may collect said amount in cash, or the same may be assessed against said lots or parcels of land, and the method and manner of making said assessment, together with the notice thereof, shall be the same as provided herein for the original assessment.

Whenever a sewer or sewers have been constructed by a corporation, individual, or public institution at their own cost and expense for the purpose of supplying sanitary drainage to any allotment, development, subdivision, or similar enterprise, or to any institution, and it is deemed expedient by the board of county commissioners to acquire said sewer or sewers or any part thereof for the purpose of supplying sanitary drainage to territory outside the allotment, subdivision, development, or other such enterprise for which such sewer or sewers were constructed, the sanitary engineer shall examine said sewer or sewers and, if he finds the same properly designed and constructed, he shall make an appraisal of the present value of said sewer or sewers or parts thereof to the district as a means of supplying sanitary drainage to territory outside the allotment, subdivision, development, or similar enterprise for which it was originally constructed and shall certify same to the board of county commissioners. In such appraisal no allowance shall be made for the value of such sewer or sewers to the territory for the service of which it was originally constructed. The board of county commissioners, by resolution, may determine to purchase said sewer or sewers at a cost not to exceed the present value of said sewer or sewers as certified by the sanitary engineer. For the purpose of paying for said sewer or sewers and the maintenance thereof, the board of county commissioners may issue bonds and assess the cost against the benefited property in the same method and manner as provided herein for the construction of an original sewer.

SEC. 2. That said original sections 6602-1, 6602-4, 6602-8b, and 6602-8h of the General Code be, and the same are hereby, repealed.

Births and Deaths of Residents Occurring Outside the State—Registration. (Act Apr. 10, 1919.)

SECTION 1. That section 218 of the General Code be supplemented by the enactment of section 218-1 to read as follows:

SEC. 218-1. Births of children whose mothers are residents of the State of Ohio, while such mothers are temporarily absent therefrom, and deaths of residents of the State of Ohio, while temporarily absent therefrom, shall be registered in accordance with the provisions of this chapter, except that in lieu of the certificates herein provided the local registrar may accept a certified copy of the certificate filed in the place where such birth or death occurred, if in accordance with the laws of such place and not materially different from the certificates herein provided. Such births or deaths occurring before the enactment of this section may be registered in accordance with its provisions on payment to the local registrar of a fee of 50 cents for each birth or death.

Certain Obnoxious or Injurious Gases—Elimination from Inclosed Places Where Persons Work. (Act May 19, 1919.)

SECTION 1. Whoever uses or causes or permits to be used an open salamander or coke burner or other outfit or receptacle of any kind in which charcoal,

coke, coal, or any other fuel or combustible substance is burned or in process of combustion so as to give off obnoxious gases or gases detrimental to health, in any inclosed residence or inclosed building under construction while a person or persons work or are employed therein without providing a proper pipe, chimney, or inclosure to carry said gases from said open salamander, coke burner, outfit, or receptacle to the outside of said inclosed building or residence, shall be guilty of a misdemeanor, and on conviction for the first offense shall be fined not more than \$100, and for a second or subsequent offense shall be fined not less than \$100 nor more than \$200, and in each case he shall stand committed until such fine and the costs are paid or until he is otherwise discharged by due process of law.

Wash Rooms—Required at Coal Mines. (Act Apr. 8, 1919.)

SECTION 1. That section 934 of the General Code be supplemented by the enactment of section 934-1 of the General Code, to read as follows:

SEC. 934-1. Every owner, operator, lessee, or agent of a coal mine, where five or more persons are employed, shall provide and keep in repair a wash room, convenient to the principal mine entrance, adequate for the accommodation of the employees, for the purpose of washing and changing their clothes when entering and returning from the mine. Such wash room shall be properly lighted and heated, supplied with warm and cold water and adequate and proper facilities for washing purposes.

Dead Animals—Business of Disposing of Bodies of—Licenses—Inspection. (Act Apr. 22, 1919.)

SECTION 1. That any person, firm, or corporation desiring to engage in the business of disposing of the bodies of dead animals, by burying, burning, or cooking; and any person, firm, or corporation in such business and desiring to continue same shall first procure from the secretary of agriculture a license to do so, which license shall be for a period of one year and no longer. No license shall be required under the provisions of this act prior to January 1, 1920.

SEC. 2. Any person, firm, or corporation who shall obtain from any other person, firm, or corporation, by purchase or otherwise, the body of an animal for the purpose of obtaining the hide, skin, or grease from such dead animal or for the purpose of disposing of the carcass of such dead animal in any way whatsoever shall be deemed to have engaged in the business of disposing of the bodies of dead animals and shall be subject to all the provisions and penalties of this act. This act shall not apply to any person, firm, or corporation engaged in the business of gathering up and disposing of the bodies of dead fowls, cats, dogs, and other small animals in cities and villages under contract with such cities and villages to dispose of such dead bodies as garbage, nor to any person in such city or village who may employ another person to lawfully and legally dispose of the body of any animal which may have died in such city or village. Nothing in this act shall apply to the original owner disposing of carcasses of dead animals on his own premises.

SEC. 3. Any person, firm, or corporation desiring a license to engage in such business shall file an application for such license with the secretary of agriculture. Such applicant at the time he files such application, shall pay to the secretary of agriculture a fee of \$50. In case more than one inspection of the premises of said applicant is necessary, as hereinafter provided, the applicant shall pay a further fee of \$25 for each such inspection before the licenses shall be issued.

SEC. 4. Immediately after the filing of said application the secretary of agriculture shall cause the premises where such applicant desires to conduct such business to be inspected. If the secretary of agriculture shall find that such applicant is a responsible person, firm, or corporation and that the rules and regulations of the secretary of agriculture as hereinafter provided have been complied with, he shall issue a license to such applicant.

If said secretary of agriculture shall find that such rules and regulations have not been complied with, he shall notify the applicant of that fact and shall specify in writing the changes that must be made before such license will be issued.

Upon request of the applicant and payment by him of the additional fee provided for in section 3, the secretary of agriculture shall cause a second inspection to be made and such proceedings shall be had as in the case of the first inspection.

SEC. 5. The secretary of agriculture shall make and cause to be printed such reasonable rules and regulations for the carrying on of such business, for the physical and sanitary conditions of the premises and equipment as may seem to him to be necessary and proper. He shall furnish copies of such rules and regulations to any person who shall apply for them.

SEC. 6. The secretary of agriculture, in person or by deputy, shall inspect or cause to be inspected each place licensed under this act at least once each year, and as often as the secretary of agriculture may require, and shall see that the licensee conducts the business in conformity to this act and to the rules and regulations made and established by the secretary of agriculture. For failure or refusal to obey the provisions of this act or said rules and regulations by any licensee, the secretary of agriculture may suspend or revoke the license held by such licensee.

SEC. 7. Proper blank applications for licenses shall be provided and furnished free to the applicant by the secretary of agriculture.

SEC. 8. Any person, firm, or corporation holding license under the provisions of this act may haul and transport hogs which are afflicted with and carcasses of hogs that have died of disease in a covered wagon bed or tank which is water-tight and is so constructed that no drippings or seepage can escape from such wagon bed or tank: *Provided, however,* Such wagon bed or tank shall be so constructed as to conform to the rules and regulations that may be established by the secretary of agriculture, and said carcasses shall not be moved from said wagon bed or tank except at the place of final disposal.

SEC. 9. Any person, firm, or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than \$50 nor more than \$200; such fines and penalties to be collected in the name of the State of Ohio. All moneys received for fines and license fees under this act shall be paid to the secretary of agriculture, and by him paid into the State treasury.

SEC. 10. It shall be the duty of the attorney general or any county prosecuting attorney to prosecute all violations of this act when so requested by the secretary of agriculture.

SEC. 11. A justice of the peace, mayor, or police judge shall have final jurisdiction within his county in prosecutions relating to violations of the provisions of the law relating to the business of disposing of the bodies of dead animals and of transporting hogs afflicted with disease.

OKLAHOMA.

Venereal Diseases—Infected Persons Required to Report to Physicians for Examination and Treatment—Unlawful for Infected Persons to Marry or Expose Other Persons to Infection—False Statements of Cure by Physicians Unlawful—Treatment by Persons Not Physicians—Sale of Medicine—Record and Treatment of Infected Persons in Institutions—Examination and Treatment of Prisoners—Records to be Confidential. (Ch. 17, Act Mar. 19, 1919.)

SECTION 1. For the purposes of this act the words "venereal disease" shall include any and all diseases commonly communicable from any person to any other person of the opposite sex through or by means of sexual intercourse and found and declared by medical science or accredited schools of medicine to be infectious or contagious. All words or phrases using the male or female gender in this act shall be construed to mean and cover the gender of the opposite sex. "Infected person," as used in this act, shall mean and apply to any person of either sex who may be contaminated or afflicted with any venereal disease. The word "dealer," as used in this act shall mean and cover any person, firm, or corporation who or which may handle for sale any medicinal remedies or supposed remedies for venereal diseases, and the agents, clerks, and employees of any such person, firm, or corporation; and any person, firm, or corporation who or which may profess or claim to treat or cure by the use of medicine or otherwise any such venereal disease and their agents, clerks, and employees. The word "physician," used in this act, shall include reputable physicians who have complied with all the requirements of law regulating the practice of their respective schools of medicine and duly licensed by such law to practice medicine in their respective schools, or surgery, or both, and no other person. The word "keeper," as used in this act, shall mean and cover any person or persons in charge or control of any penal or eleemosynary institution, whether public or private, who may be authorized either by law or by the rules of such institution to receive or discharge any person into or from such institution. Wherever the words "board of health" or "health officers" appear in this act they should be construed to include the board of health and health officers of the State, county, or municipality of the State.

SEC. 2. It shall be unlawful for any person, being an infected person, to refuse, fail, or neglect to report such fact to and submit to examination and treatment by some reputable physician. Any person violating the provisions of this section shall be punished by fine of not less than \$25 or not more than \$500, or by confinement in the county jail for a term of not less than 30 days nor more than one year, or by both such fine and imprisonment.

SEC. 3. Any person who shall after becoming an infected person and before being discharged and pronounced cured by a reputable physician in writing marry any other person or expose any other person by the act of copulation or sexual intercourse to such venereal disease or to liability to contract the same

shall be guilty of a felony and upon conviction shall be punished by confinement in the penitentiary for not less than one year or not more than five years.

SEC. 4. Any physician who shall after having knowledge or information that any person is or may be an infected person sell, give, or furnish to such infected person or to any other person for such infected person a discharge from treatment or written instrument or statement pronouncing such infected person cured before such infected person is actually cured of such venereal disease shall be guilty of a misdemeanor and punished by fine of not less than \$100 nor more than \$500, or by confinement in the county jail for a term of not less than 30 days nor more than six months.

SEC. 5. Any person who is not a physician who shall undertake to treat or cure any infected person for pay, whether in money, property, or obligation of any kind, unless acting under the direction and control of a physician, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$100 nor more than \$500, or by confinement in the county jail for a term of not less than 30 days nor more than six months, or by both such fine and imprisonment: *Provided, however,* That any person infected applying to any physician in this State shall receive the treatment provided for in this bill, regardless of his ability to pay.

SEC. 6. It shall be unlawful for any dealer to treat or offer to treat any infected person or to sell, furnish, or give to any infected person or to any other person whomsoever any medicine of any kind that may be advertised or used for treatment of venereal diseases before requiring such person to produce and file with such dealer a proper prescription for such medicine issued and signed by a reputable physician, which said prescription shall be by said dealer kept on file for a period of one year from the date of his receiving the same, and subject, at all reasonable hours, to the inspection of the health authorities in this State. A violation of any of the provisions of this section shall be punished by a fine of not less than \$100 nor more than \$500, or by confinement in the county jail for a term of not less than 30 days and not more than six months, or by both such fine and imprisonment.

SEC. 7. Any and all institutions in this State, whether penal or eleemosynary and whether public or private and free or for pay, shall make and preserve for a period of at least one year a record showing the name, age, sex, color, nationality, and place of residence of all infected persons of the inmates [sic] of such institution that may come to their knowledge and shall submit such record at all reasonable hours to the inspection of the duly accredited health authorities in this State. All such institutions shall furnish a physician and all proper medicines, instruments, and apparatus for the proper treatment of such infected person, and shall isolate and separate all infected persons from all other persons in such institution by causing such infected persons to use separate beds, rooms, lavatories, and toilet rooms and facilities, from all other persons. Any keeper, manager, guard, or other person in control of any such institution who shall willfully fail or neglect to comply with the provisions of this section or who shall violate any of the provisions hereof, shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$200 nor more than \$1,000, or by imprisonment in the county jail for a term of not less than 30 days nor more than one year, or by both such fine and imprisonment.

SEC. 8. The keeper, manager, guard, or person in control of every prison or penal institution in this State shall cause to be examined every person who shall be confined in such prison or penal institution after conviction for any offense against the laws of the State or any municipality thereof, to determine whether such person is an infected person. Every such person found to be an infected person, after the expiration of his or her sentence shall be kept in

such prison or some other suitable place for treatment until pronounced cured by a physician and discharged by the health authorities of this State. Where such infected person is unable to pay for such treatment the same shall be furnished and administered at the public expense by the State, county, or municipality in whose prison such infected person may be confined: *Provided, however,* That where infected persons have served their full sentences to such prison the board of health may permit such infected person to leave such prison and to stay at home or other suitable place before being cured, if in the judgment of the said board of health such infected person is able to do so and will continue proper treatment for such venereal disease. State, county, and municipal health officers, or their authorized deputies who are physicians within their respective jurisdictions, are hereby directed and empowered, when in their judgment it is necessary to protect the public health, to make examinations of persons convicted for sex offenses and to detain such persons until the results of such examinations are known. Any keeper, manager, guard, or other person in control of any such prison or penal institution who shall knowingly violate any of the provisions of this section shall be deemed guilty of a misdemeanor and be punished by fine of not less than \$100 nor more than \$1,000, or by confinement in the county jail for a term of not less than three months nor more than one year, or by both such fine and imprisonment.

SEC. 9. The prescriptions and records provided for herein to be filed and kept shall not be exposed to any person other than the duly elected or appointed health authorities of the State, county, or municipalities, or when properly ordered by a court of competent jurisdiction to be used as evidence in such court, and no health authority shall be permitted to give any information whatever to any other person concerning any infected person except to appropriate persons for use in the proper courts of the State. Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor and be punished by a fine of not less than \$50 nor more than \$100 and in addition thereto shall be liable in damages to any person who may be damaged by such violation.

State Tuberculosis Hospitals—Establishment, Equipment, Operation, and Maintenance—Superintendents and Employees—Admission and Maintenance of Patients—Establishment of Free Tuberculosis Dispensaries. State Department of Health—Creation of Bureau of Tuberculosis in. (Ch. 234, Act Apr. 8, 1919.)

SECTION 1. *Tuberculosis declared dangerous.*—Tuberculosis is hereby declared to be dangerous to the public health.

SEC. 2. *Duties of State board of health.*—The State board of health shall supervise the prevention, treatment, and cure of tuberculosis and the collection and dissemination of statistics, information, and instructions in regard thereto, as hereinafter provided for.

SEC. 3. *Sanatoria established.*—For the purpose of treatment of patients afflicted with the disease of tuberculosis there are hereby established three State tuberculosis sanatoria to be located, constructed, and operated as hereinafter provided, with a minimum capacity of 100 beds each.

SEC. 4. *Location of sanatoria.*—Within 30 days after the passage and approval of this act the State commissioner of health shall district and divide the State of Oklahoma into three districts as nearly equal as may be in population and shall select in each district a location for a State tuberculosis sanatorium, which shall be as near the center of the district as possible, with due regard to accessibility from all parts of the district. The State board of af-

fairs, with the approval of the governor, is hereby authorized to accept in the name of the State a grant or conveyance of suitable lands for such sanatoria, and any other gifts or endowments for the support thereof; and if such suitable lands can not be secured by grant or donation, shall have the power to purchase the same or to condemn the same in the name of the State: *Provided*, That any and all lands donated, granted, conveyed, or given to the State for the purposes of carrying into effect the provisions of this act shall be in fee simple.

SEC. 5. *Appropriation.*—For the purpose of the construction of three district State sanatoria, equipping, and furnishing the same there is hereby appropriated out of the public building fund, not otherwise appropriated, the sum of \$50,000 or so much thereof as may be necessary for the purpose of building and equipping one sanatoria for the benefit of the Negro race, and the sum of \$100,000 is hereby appropriated out of any money in the State treasury not otherwise appropriated for the purpose of building and equipping one sanatoria for the white race, said sum to be available during the fiscal year ending June 30, 1920, and the sum of \$100,000 is hereby appropriated out of any money in the State treasury not otherwise appropriated for the purpose of building and equipping one sanatoria for the white race, said sum to be available during the fiscal year ending June 30, 1921. The State board of affairs is hereby empowered to purchase or let the contracts and arrange for the construction of said three district sanatoria upon plans and specifications approved by the State commissioner of health, and for the equipment and furnishing thereof, and the State board of health shall promulgate necessary rules and regulations for the control and management of said sanatoria not inconsistent with this act.

SEC. 6. *Management of sanatoria.*—Said State tuberculosis sanatoria shall be under the joint supervision of the State board of public affairs and the State board of health; the State board of public affairs shall have supervision of the fiscal and business affairs of the said institutions, and the State board of health shall have supervision of the admission, treatment, and discharge of the inmates thereof.

SEC. 7. *Bureau of tuberculosis.*—There is hereby created a bureau of tuberculosis in the State department of health, consisting of a chief physician, who shall be appointed by the State commissioner of health, with the consent and approval of the governor. The chief physician shall receive a salary of \$3,000 per annum, payable monthly, and shall be an expert in the prevention and treatment of tuberculosis, and shall be skilled and shall have had experience in sanatorium construction and management.

SEC. 8. *Superintendents; salaries and duties.*—There shall be appointed by the State commissioner of health a superintendent of each sanatorium, who shall be a qualified physician, shall devote his entire time to the duties of his position, and who shall receive a salary of \$2,400 per annum, payable monthly, together with rooms and board while residing in said institution. Such superintendent of each sanatorium shall appoint such assistant superintendents, nurses, and help as may be necessary and authorized by law, including a public-health nurse, who shall visit tubercular patients in the various counties within the district, and shall perform such other duties as provided by the sanatorium superintendent.

SEC. 9. *Patients and expenses.*—Said sanatoria herein provided for shall be open to the treatment of all residents and citizens of this State afflicted with tuberculosis; such patients as shall be financially able shall pay for board and room in such amount as may be fixed by the State board of health; all other patients shall be admitted upon request of the county health physician, public-health nurse of the sanatorium, or the State board of health; and the county

commissioners of the county from which such patient is admitted, or sent, shall pay to such district sanatorium the sum of not less than \$10 nor exceeding \$15 per week for board, care, and treatment of each patient, payable monthly, until discharged, such sum to be fixed by the State board of health: *Provided*, This act shall apply to all bona fide residents of the State of Oklahoma at the time of the taking effect of this act, and as to all others a bona fide residence of at least 12 months in the State shall be necessary to constitute a resident within this act.

SEC. 10. *Tax authorized.*—For the purpose of defraying the expense of transportation and treatment of patients afflicted with tuberculosis at the district sanatoria herein provided for, the excise board of each county is authorized to make an annual levy upon all property in the county, subject to taxes, on an ad valorem basis, of not exceeding 1 mill per annum, which is hereby declared not to be a current expense and to be for a special purpose, known as "tuberculosis fund," in addition to the maximum levy for current expenses now provided by law.

SEC. 11. *Admission of patients; districts.*—The State commissioner of health is hereby authorized, in the event that the capacity of any district sanatorium is not sufficient to accommodate tuberculosis patients of that district, to admit patients therefrom to any other district sanatorium and to change the boundaries of any district.

SEC. 12. *Free dispensaries.*—The superintendent of each district sanatorium is hereby authorized to arrange for the establishment of free tuberculosis dispensaries at centrally located places within the district, where patients may come for examination by the district superintendent and public-health nurse.

SEC. 13. *Appropriation.*—For the purpose of defraying the salaries, maintenance, and operating expenses of the district sanatoria herein provided for, there is hereby appropriated out of any funds in the State treasury not otherwise appropriated the sum of \$50,000 for the fiscal year ending June 30, 1920, and the sum of \$50,000 for the fiscal year ending June 30, 1921.

State Department of Dairying—Establishment. State Dairy Commissioner—Appointment, Qualifications, Salary, Powers, and Duties. Cream—Grades. Milk and Milk Products—Pasteurization. (Ch. 247, Act Apr. 4, 1919.)

SECTION 1. There is hereby established the department of dairying which shall be under the direction and control of the State board of agriculture. The chief of such department shall be styled and known as the State dairy commissioner.

SEC. 2. Within 20 days after this act shall go into effect the State board of agriculture shall appoint a suitable person to be known as State dairy commissioner, who shall either be a graduate of an accredited dairy department or shall have had at least three years' practical experience in the commercial handling and grading of dairy products, and who shall hold his office at the pleasure of the State board of agriculture, subject to removal by them for inefficiency, neglect, or violation of duties. He shall give bond in the sum of \$10,000 conditional for the faithful performance of his duties, with sureties to be approved and filed with the State board of agriculture. Said commissioner shall receive a salary of \$1,800 a year, payable monthly, and his necessary traveling expenses while in the discharge of his official duties, as other State salaries are paid. He shall make a report to the State board of agriculture when required, upon the approval of the State board of agriculture.

SEC. 3. It shall be the duty of the State board of agriculture [State dairy commissioner] to inspect, or cause to be inspected, all creameries, public dairies,

butter and cheese factories, milk depots, milk and cream collecting stations, market houses where dairy products are sold, buildings occupied by retail dealers in milk, cream, butter, or cheese, all wagons or vehicles used for the distribution of milk and cream, and all railroad cars, boats, and other means of transporting milk and cream to markets, at least once a year, and more often if possible; to prescribe such reasonable rules and regulations for their operation as he deems necessary to fully carry out the provisions of law now in force or that may be hereafter enacted relative to the dairy products, which shall be published in bulletins issued by him for the promotion and maintenance of the public health and safety. He shall devote his whole time to the duties of his office and during his term shall hold no other official or business position nor any professorship in any educational institution.

SEC. 4. In the performance of his official duties the State dairy commissioner or his deputies are hereby authorized and empowered to enter during business hours all creameries, public dairies, butter and cheese factories, milk depots, milk and cream collecting stations, market houses or other places where dairy products are sold or kept for sale, or any railroad cars, wagons, boat, or other vehicle used in transporting dairy products, or any barn, stable, or inclosure where dairy products are kept or produced, or any factory or building where ice cream or renovated butter, process butter, or any other article of human food made from dairy products are manufactured, for the purpose of inspecting the same. He may take samples anywhere of any dairy product or imitation thereof suspected of being made or sold in violation of law and cause the same to be analyzed or satisfactorily tested by the State experiment station chemist, and such analysis or test shall be recorded and preserved as evidence. He may require the owner, agent, or manager of every creamery, public dairy, butter and cheese factory, milk depot, milk and cream collection stations, market houses, and other places where dairy products are sold or kept for sale, to report monthly on or before September 1 of each year before the year ending July 1, on blanks to be furnished by the State dairy commissioner, full and accurate information concerning the quantity of milk and cream bought, sold, or used, the average price of same, the quantity of butter and cheese produced or sold and price of same, the number of cows used in contributing to the operations of such creameries, dairies, and factories, and the number, name, and address of the patrons, and the number of gallons of milk sold to each creamery, public dairy, butter or cheese factory by each of the patrons thereof, and such other information as shall to the State dairy commissioner seem expedient and necessary for the proper tabulation of accurate and complete statements of the extent and magnitude of the dairy industry and dairy products of the State, and for this purpose he may examine, under oath or otherwise, any person whom he may believe has knowledge concerning the operations of any creamery, public dairy, butter or cheese factory; may issue subpoena requiring the appearance of witnesses and the production of books and papers, and may administer oaths with like effect as is done in courts of law in this State; and any witness so summoned and examined shall receive the same fees therefor as is now provided for like services in justice courts. And it shall be the duty of any district, superior, or county court or judge thereof, upon the application of said commissioner, to issue an attachment for such witnesses and compel him or them to attend before the commissioner and give testimony upon such matters as he or they shall be lawfully required by such commissioner, and said court or judge shall have power to punish for contempt as in other cases of refusal to obey the orders and processes of the court.

SEC. 5. Any person or persons, firm, or corporation who shall hinder or obstruct or in any way interfere with the State dairy commissioner or his

deputies while discharging the duties of inspection, or who shall refuse or fail to make the reports provided for by section 4, or who shall refuse or neglect to conform to the rules and regulations of the State dairy commissioner which have been published as provided herein regarding the care or condition of any animal kept for dairy purposes, or for the sanitary conditions of any buildings in which such animals are kept, or the sanitary conditions of any room, building, or place where dairy products are kept either for storage or for the purpose of sale and distribution, or who shall in any way obstruct or hinder said dairy commissioner from carrying out the full meaning and intent of sections of this act, shall be guilty of a misdemeanor and shall be fined a sum of not less than \$25 nor more than \$300.

SEC. 6. All prosecutions brought for violations of the provisions shall be brought in any court having competent jurisdiction, and it shall be the duty of all prosecuting attorneys in whose county any violations of said sections may occur to attend and prosecute such cases, and for so doing he shall be entitled to the same fees as are now provided for like services in the same court.

SEC. 7. On and after October 1, 1919, all sour cream purchased by cream stations, creameries, or other agents or representatives shall be purchased by grade. The regular price quotation for sour cream shall be for first grade, and second-grade cream shall be paid for on a basis of 3 cents per pound butter fat less than for first-grade cream.

SEC. 8. Cream shall be graded in three classes, as follows: First-grade cream shall consist of cream that is clean and palatable to the taste, has no undesirable odor, is free from curd and lumps, and which is sweet or slightly sour, having less than forty-hundredths of 1 per cent acidity from October 1 to March 30, inclusive, and less than fifty-hundredths of 1 per cent acidity from April 1 to September 30, inclusive; first-grade cream shall test over 25 per cent butter fat.

Second-grade cream shall consist of cream too sour to grade as first, but which is clean and palatable, having no bad odors. It may be slightly curdy or lumpy. It may test less than 25 per cent butter fat.

Third-grade cream shall consist of cream which, when offered for sale, is stale, yeasty, foamy, or cheesy, or cream which is musty, dirty, putrid, or otherwise objectionable as a food product. The sale of such cream shall be considered unlawful and must not be accepted by any creamery company or their agents, operators, or representatives.

SEC. 9. All creamery companies, cream-station buyers, or their agents or representatives that purchase cream shall keep a careful record of all cream bought as first grade and second grade and shall render such report weekly to the creamery or factory receiving the cream, one copy to remain at the creamery, the other to be mailed weekly by the cream buyer to the dairy commissioner.

SEC. 10. All milk and cream used in the manufacture of creamery butter and ice cream for commercial purposes, and all milk bought to be resold, must be pasteurized to a temperature of 145° F. for 25 minutes, or to 150° F. and held for 20 minutes, using the holding system of pasteurization, or shall be heated to 170° F. with the flash (continuous) system of pasteurization.

SEC. 11. All ice cream and butter received by dealers from without the State must meet the requirements as provided in this act.

SEC. 12. Any and all by-products leaving a creamery, cheese factory, or ice-cream plant shall be pasteurized as provided in this act.

SEC. 13. The State dairy commissioner shall have the authority to revoke any license for violation of the provisions of this act.

SEC. 14. That article 6, chapter 2, Revised Laws, 1910, and parts of acts in conflict herewith are hereby repealed.

SEC. 15. That there is hereby appropriated, out of any money in the State treasury not otherwise appropriated, the sum of \$7,000, or so much thereof as may be necessary, to carry out the provisions of this act for the fiscal years of 1919-20 and 1920-21.

Bovine Tuberculin—State Board of Agriculture Authorized to Issue Regulations Governing. (Ch. 111, Act Mar. 29, 1919.)

SECTION 1. The State board of agriculture is hereby authorized to issue rules and regulations governing the shipment into and within this State and the handling, use, and application of all bovine tuberculin.

SEC. 2. Any person or corporation or its officers, agents, or employees who shall violate, disregard, or evade, or attempt to violate, disregard, or evade any of the rules, regulations, or orders of the board applicable to bovine tuberculin shall be fined not less than \$50 nor more than \$250 for each offense.

Tuberculous Cattle—Prevention of Introduction Into State—Destruction or Segregation—Appraisal—Compensation of Owners of Destroyed Animals. (Ch. 225, Act Mar. 24, 1919.)

SECTION 1. The State board of agriculture shall issue and enforce such quarantine and other regulations as may be necessary to prevent the introduction of tubercular dairy or breeding cattle into the State of Oklahoma. It shall be the duty of the State board of agriculture to investigate every suspected case of tuberculosis among dairy or breeding cattle within the State of Oklahoma, and when such cattle are found by the State veterinarian or by a deputy State veterinarian or by a veterinarian employed by the United States Department of Agriculture to be affected with tuberculosis they shall be destroyed in such manner as may be provided by rules and regulations of the State board of agriculture, or if their value as breeding cattle shall justify the action, said tubercular breeding cattle may be segregated from all other cattle and maintained at the expense of the owner thereof, under such quarantine regulations as shall be necessary to fully prevent any possible further spread of the disease to other animals or to humans. When any tubercular animals are slaughtered under the provisions of this section and their value has been appraised as provided herein, the State board of agriculture may authorize the payment to the owner of such slaughtered animals not to exceed one-half of the difference between the appraised value and the value of the salvage of the carcasses: *Provided*, That such payment by the State shall not exceed \$150 on any one registered animal, or \$50 on any one grade animal except when such animals are slaughtered, and no tubercular lesions are found, the State shall be liable for the full appraised value of the animals, but said appraisal shall not exceed \$300 for any one registered animal, or \$100 for any one grade animal: *And provided further*, That if said stock contracted the disease outside of this State or if the owner thereof has violated any quarantine regulations of this State or of the United States Government, or if he became the owner with knowledge that the stock, at the time the ownership began, was affected with tuberculosis, the State shall not be liable for any part of the value thereof. All testing of dairy or breeding cattle to determine the presence or absence of tuberculosis under the provisions of this act shall be at the expense of the State and shall be paid from funds appropriated for the use of the State board of agriculture. Appraisals under this act shall be made by the owner or his representative and by two other parties to be ap-

pointed by the president of the State board of agriculture, and the decision of the appraisers shall be final.

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SEC. 4. There is hereby appropriated out of the treasury of the State of Oklahoma, moneys not otherwise appropriated for the fiscal years ending June 30, 1920, and June 30, 1921, for the purpose herein mentioned, or so much thereof as may be necessary, and the State auditor is hereby authorized to issue warrants upon the State treasurer for such proportion thereof, as may be found to be due from the auditing of claims in favor of persons or person to whom such claims are allowed as follows: To pay to owners for animals killed under the provisions of this act; also for payment of salary of deputy State veterinarians and actual traveling expense, \$150,000.

Habit-Forming Drugs—Manufacture, Possession, Sale, Dispensing, or Distribution. (Ch. 60, Act Apr. 1, 1919.)

SECTION 1. As used in this act, the term "narcotic drugs" shall be construed to mean and comprehend opium or coca leaves or any compound, manufacture, salt, derivative, or preparation thereof including paregoric except preparations and remedies which do not contain more than 2 grains of opium, or more than one-fourth of a grain of morphine, or more than one-eighth of a grain of heroin, or more than 1 grain of codeine, or any salt or derivative of any of them in 1 fluid ounce, or, if a solid or semisolid preparation, in 1 avoirdupois ounce, and except liniments, ointments or other preparations which are prepared for external use only, other than liniments, ointments or other preparations which contain cocaine or any of its salts or alpha or beta cocaine [sic] or any of their salts or any synthetic substitutes for them; and except decocanized coca leaves or preparations made therefrom, or other preparations of coca leaves which do not contain cocaine: *Provided*, That such excepted remedies and preparations are sold, distributed, given away, dispensed or possessed as medicines and not for the purpose of evading the intentions or provisions of this act.

SEC. 2. It shall be unlawful for any person, firm, or corporation, or any employee of any person, firm, or corporation, to sell, give away, dispense, manufacture, produce, deal in, administer, or distribute, or to receive, conceal, buy, or in any manner facilitate the transportation, concealment, or sale of, or distribution of any of the aforesaid narcotic drugs, except such persons, firms, or corporations as shall be licensed or authorized so to do as provided by an act of the Congress of the United States of America of December 17, 1914, and except as otherwise provided or permitted by this act. It shall be prima facie evidence of the violation of this act for any person other than a registered pharmacist, physician, dentist, or veterinary surgeon, regularly licensed and in actual practice of his or her profession as such, to have in his or her possession any form or blank issued by the Commissioner of Internal Revenue of the United States, pursuant to section 2 of said act of Congress of the United States of America of December 17, 1914, purporting to authorize the purchase or otherwise acquiring of such narcotic drugs; and it shall further be prima facie evidence of the violation of this act for any person to be registered with the collector of internal revenue, as provided by section 1 of said act of Congress of December 17, 1914, unless and except such person so registered shall be a pharmacist regularly and duly licensed by the State board of pharmacy, wholesale druggist, licensed physician, dentist, or veterinary surgeon. It shall also be unlawful for any person who shall not be so registered as provided by the said act of Congress, and who shall not, also, be a regularly licensed pharmacist as aforesaid, or who shall not be a regularly licensed and actually practicing physician, dentist, or veterinary surgeon, or

who shall not be a railroad or express company which shall have made, for the preceding year to the corporation commission of the State the report required by law to be made to such commission annually, by transportation companies, to have in his or her possession or under his or her control or to have concealed in or about premises in his or her possession or under his or her control, any quantity whatsoever of the aforesaid narcotic drugs other or more than one does of such narcotic drugs, acquired and procured upon the prescription of a regularly licensed and actually practicing physician, dentist, or veterinary surgeon, for legitimate medicinal use. It shall also be unlawful for any such registered pharmacist to sell, give away, or otherwise furnish or deliver to any person any of such narcotic drugs except and unless upon the bona fide prescription of an actively practicing, duly licensed physician, dentist, veterinary surgeon, or except to actively practicing, duly licensed physician, dentist, veterinary surgeon or registered pharmacist, upon the order forms supplied by the United States Internal Revenue Collector, any quantity whatsoever of such narcotic drug.

Nor shall such pharmacist sell upon any one such prescription an amount or quantity of such narcotic drugs in excess of an amount or quantity thereof, indicated by the prescribed dosage sufficient, under the proper and customary practice, for 48 hours' treatment. Nor shall such pharmacist, whether wholesaler or retailer, sell or furnish to any such physician, dentist, or veterinary surgeon, upon any one such order form an amount in excess in the aggregate of 32 grains of such narcotic drug and their salts or derivatives; nor shall any such physician, dentist, or veterinary surgeon have in his possession at any one time any quantity of such narcotic drugs in excess in the aggregate of 32 grains of such narcotic drug, or their salts or derivatives.

Provided, That nothing in this act shall prevent a physician engaged in administering treatment for the relief from the narcotic habit, from acquiring such quantity of such drug for administration as may be required in the usual course of treatment therefor: *Provided, however*, That any quantity other than those above provided which is designated for such habitual user shall be so stated on the prescription or order form. It shall also be unlawful for any person to transport, carry, or take from one point within the State to another point within the State, of however short distance, any of the aforesaid narcotic drugs, unless such person shall be a transportation company, as defined by the constitution of the State, which has made to the corporation commission of the State of Oklahoma for the preceding year the report required by law to be made by transportation companies to such commission, or an agent, servant, or employee of such transportation company bona fide employed by such transportation company in carrying such narcotic drugs in the performance of the duties of such transportation company as common carriers.

It shall also be unlawful for any physician, dentist, or veterinary surgeon to prescribe or administer, in any form whatsoever, any of the said narcotic drugs, to any person addicted to the habit of using such narcotic drugs, or to habitually prescribe or administer, in any form whatsoever, any of said narcotic drugs to any person, unless and except in those cases and instances in which, according to the recognized practice of the medical profession, it shall be necessary to administer the same in the treatment of such narcotic habit, for the reformation and relief of the patient from such habit: *Provided further*, That it shall not be necessary to negative any of the aforesaid exceptions in any complaint, information, or indictment, or any writ of proceedings, laid or brought under this act; and the burden of proof of any such exemption or exceptions shall be upon the defendant. Any of such narcotic drugs found or discovered to be held or possessed by any person, firm, or corporation except as permitted by this act shall be confiscated and delivered by the person or

officer finding or discovering the same to the hospital of the medical department of the University of Oklahoma.

SEC. 3. Any person who violates any of the requirements or provisions of this act shall, upon conviction, be deemed guilty of a felony and be fined not less than \$500 nor more than \$5,000, and shall be imprisoned not less than one year nor more than seven years, or both, and additionally, if a physician, dentist, veterinary surgeon, or pharmacist, shall be convicted of violating any or either of the provisions of this act relating to persons engaged in such occupation or professions, respectively, such conviction shall automatically work a permanent forfeiture of the license of such person to practice or engage in such profession.

Births and Deaths—Fees of Local Registrars. (Ch. 95, Act Apr. 3, 1919.)

SECTION 1. That section 20, chapter 168, of the session laws of Oklahoma, 1917, be and the same is hereby amended to read as follows:

SEC. 20. That each local registrar shall be paid the sum of 25 cents for each birth certificate and each death certificate, properly and completely made out and registered with him, and correctly recorded and promptly returned by him to the State registrar, as required by this act. And in case no births or no deaths were registered during any month, the local registrar shall be entitled to be paid the sum of 25 cents for each report to that effect, but only if such report be made promptly, as required by this act. All accounts payable to a local registrar under the provisions of this section shall be paid by the board of county commissioners of the county in which the registration district is located, upon certification by the State registrar. And the State registrar shall on the 15th day of each month certify to the board of county commissioners of the several counties the number of births and deaths properly registered, with the names of the local registrars and the amount due each at the rates fixed therein.

School Buildings—Standards for Erection of—Cleaning and Disinfection. (Ch. 63, Act Apr. 5, 1919.)

SECTION 1. That hereafter no school building shall be erected in the State of Oklahoma at a cost of \$400 or more, and paid for from any funds derived from donation, taxation, or from the sale of bonds, unless said building conforms to the standards hereinafter enumerated.

SEC. 2. Every schoolroom shall have not less than 15 square feet of floor space and not less than 200 cubic feet of air space per pupil, based on the maximum enrollment.

SEC. 3. In every schoolroom the total area of clear window surface must equal at least 20 per cent of the floor space, and no window admitting light shall be so placed in a classroom or study hall that it must be faced by pupils when seated at their desks. All windows admitting light into classrooms or study halls shall not come lower than a point 3 feet from the floor and shall extend to a point within 6 inches of the ceiling and shall be so placed in one-room buildings that the main light shall come from the left of the pupils as they sit at their desks, and in all larger buildings this condition shall be approximated as nearly as architectural demands and the demands of ventilation will permit.

SEC. 4. Every school building hereafter erected or reconstructed shall be so heated and ventilated that each schoolroom and recitation room shall be supplied with fresh, warm air at the rate of not less than 30 cubic feet per minute for each pupil during cold weather; and the window shall admit of ready

adjustment both at the top and bottom, and must be provided with some device to protect pupils from direct drafts.

SEC. 5. Each school building hereafter erected or remodeled shall be provided with ventilated cloakrooms sufficient for the wraps of the pupils and screened cupboards or built-in closets for the storage of lunch baskets and pails of the pupils, and shall be provided with a suitable number of water-closets or outhouses, not less than two for each building, where both sexes are in attendance. Such water-closets or outhouses shall be suitably constructed for and used separately by the sexes, and shall be made as nearly fly-tight as possible. When any water-closets or outhouses are outside and detached from the school building, the entrance thereto shall be protected from exposure by properly constructed blinds. The school board shall keep all water-closets or outhouses used in connection with any school building in a clean and sanitary condition and shall, not less than 10 days prior to the opening of any term of school, and oftener if necessary, have them properly cleaned and disinfected.

SEC. 6. The school board shall, not less than 10 days prior to the opening of any term of school, have the building cleaned and disinfected. Should any contagious or infectious disease be in the community, or among the school children, the school board should disinfect the school building at least twice each month while such disease is prevalent, and as often thereafter as may be necessary for the health of the school children and community.

SEC. 7. The State superintendent of public instruction shall prepare, or cause to be prepared, plans and specifications and blue prints for different types of one, two, three, and four room school buildings, and arrange said plans and specifications in convenient book form, giving full information on the size of buildings, the amount of different kinds of material necessary for the construction of the buildings, and approximate cost. He shall furnish said plans and specifications to school boards upon application without cost to the district: *Provided*, That the provisions of this section shall not apply to school buildings costing more than \$10,000.

Female Employees—Toilet Facilities and Seats Required for. (Ch. 163, Act Apr. 5, 1919.)

SEC. 3. That section 3, chapter 148, session laws of the State of Oklahoma, 1915, be and the same is hereby amended to read as follows:

SEC. 3. *Seats and other conveniences.*—Every employer in any manufacturing, mechanical, or mercantile establishment, or workshop, laundry, printing office, dressmaking or millinery establishment, hotel, restaurant, or theater or telegraph or telephone establishment and office, or any other establishment employing females, shall provide adequate and suitable toilet facilities for such employees and shall provide suitable seats for all female employees and permit them to use such seats when not engaged in the active performance of the duties of their employment.

Advertisements—Untrue, Deceptive, or Misleading, Prohibited. (Ch. 56, Act Apr. 1, 1919.)

SECTION 1. *Fraudulent advertising prohibited.*—That any person, firm, corporation, or association who, with intent to sell or in anywise dispose of merchandise, securities, service, or anything offered by such person, firm, corporation, or association, directly or indirectly, to the public for sale or distribution, or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto, or

to acquire title thereto, or an interest therein, makes, publishes, disseminates, circulates, or places before the public, or causes, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public in this State, in a newspaper or publication or in form of a book, notice, handbill, poster, bill, circular, pamphlet, or letter, or in any other way, an advertisement of any sort regarding merchandise, securities, service, or anything so offered to the public, which advertisement contains any assertion, representation, or statement of fact which is untrue, deceptive, or misleading shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than \$10 nor more than \$50 or by imprisonment in the county jail not exceeding 20 days, or both such fine and imprisonment.

SEC. 2. Statute repealed.—Chapter 61¹ of the session laws of 1915 is hereby repealed.

OREGON.

Communicable Diseases—Reports of Cases—Quarantine—Placarding—Precautions by Attending Physicians—Cleaning and Disinfection—Removal of Infected Persons—Attendance at Schools and Gatherings—Establishment of Quarantine Hospitals—Common Carriers—Exclusion from Schools of Unclean Pupils—Vaccination of Pupils—Library Books—Sale of Articles Exposed to Infection—Use of Public Conveyances by Infected Persons—Unlawful Infection of Persons. (Ch. 264, Act Mar. 1, 1919.)

SEC. 11. The State board of health or the board of health of any incorporated city or village in time of epidemic or threatened epidemic, or when any dangerous communicable disease is unusually prevalent, may, after personal investigation by the members or member or the executive officer of such board to establish the facts in the case, and not otherwise, impose a quarantine on vessels, railroads, stages, or any other public or private vehicle or vehicle conveying persons, baggage, or freight, or used for such purpose, and make or enforce such rules and regulations as such board may deem wise and necessary for protection of the health of the people of the community or the State: *Provided, however,* That the running of any train or any cars, or any steam or electric railroad, or of steamboats, vessels, or other public conveyance shall not be prohibited: *Provided further,* That the State health officer must be immediately informed of such action.

A true copy of such rules and regulations, adopted by a local board of health, must have the approval of the State board of health, and thereafter no changes shall be made without such approval.

SEC. 12. It shall be the duty of the county or municipal board of health when a case of any communicable disease in which quarantine or placard is required is reported to at once cause to be placed in a conspicuous place on the house, both at front and rear entrances to same, where any such disease exists, a quarantine card, flag, or notice as provided by the rules and regulations of the State board of health, and to prohibit entrance to or exit from such house without a written permission from the health officer or executive officer of said local board, except attending physician, and every physician attending a person affected with any communicable disease, so designated by the State board of health, shall use such precautionary measures to prevent the spread of the disease as may be required by the State, county, or municipal board of health: *Provided,* That in case of failure of county or municipal board of health, or when no such board is organized, it at once becomes the duty of the State health officer to enforce such quarantine or other measure as he may deem best: *And provided further,* That every physician shall exercise the duties of health officer until such county or municipal health officer shall be notified of the existence of such communicable disease.

¹ Pub. Health Repts. Reprint 338, p. 425.

SEC. 13. No person shall mar, remove, deface, destroy, or in any way or manner obscure such quarantine notice which shall remain in place until after the person affected is removed from such house or has recovered and is no longer capable of communicating the disease, and the said house and the contents thereof have been properly cleaned and disinfected by either the county or municipal board of health, or the State board of health, or some of its officers or agents: *Provided*, That the State board of health shall have power to make rules and regulations prescribing the number of days a person affected with any communicable disease shall remain amenable to any quarantine, closure, restriction, or safeguard measure. The county or municipal board of health, or the State board of health, may employ as many persons as it deems necessary to execute its orders and properly guard any house or place containing any person or persons affected with any of the communicable diseases as provided in section 12 of this act, or who have been exposed thereto; and such persons shall be sworn as quarantine guards, shall have police powers, and may use all necessary means to enforce the provisions of this act for the prevention of contagious and infectious diseases, or the orders of State, county, or city health officer made in pursuance thereof.

SEC. 14. Any magistrate authorized to issue warrants in criminal cases shall issue a warrant upon affidavit of any member of the county, municipal, or State board of health, or the executive officer of the State board of health, directing the warrant to the sheriff of the county or his deputy, or to any constable or police officer, requiring them under the direction of the board to remove any person who is infected with a communicable disease, or to impress or take up convenient houses, lodging, nurses, attendants, and other necessities; or to enforce any or all measures of the State health office.

SEC. 15. When a house or other place is quarantined on account of a communicable disease, it shall be the duty of the board of health having jurisdiction to provide for all persons confined in such place food, fuel, and all of the necessities of life, including medical attendance, medicine, and nurses, when necessary; and the expenses so incurred when properly certified by such executive officer of such board shall be paid by the person or persons quarantined, when able to make such payment mentioned; if not able to pay, to be paid by the county or municipality in which he or they were quarantined.

SEC. 16. No person residing in or occupying any house in which there is a person suffering from any communicable disease requiring absolute quarantine shall be permitted to attend any public, private, parochial school or college, or Sunday school or any other public or private gathering until the quarantine provided for in such disease has been removed by the board of health.

SEC. 17. Any city or municipality may establish a quarantine hospital within or without its own limits, but if within [without?] its own limits consent of the municipality within which it is proposed to establish such hospital shall be first obtained: *Provided*, That such consent shall not be necessary if such hospital is more than 800 feet from any occupied house or public highway; and when a great emergency exists the board of health may seize and occupy temporarily for such quarantine hospital any suitable vacant house or building within its jurisdiction, and the board of health of any city or municipality having a quarantine hospital shall have control over the same: *Provided, however*, That in case of use of such house or premises due compensation shall be tendered for the use of the same.

SEC. 18. Whenever quarantine or closure or other measure is declared all railroads, steamboats, or other common carriers, and the owners, consignees, or the assignees of any railroad, steamboat, stage, or other vehicle used for

the transportation of passengers, baggage, or freight, shall submit to any rules or regulations imposed by the board of health or health officer; they shall submit to any examinations required by the health authorities respecting any circumstances or event touching the health of the crew, operatives, or passengers, and the sanitary condition of the baggage or freight; and any owner, consignee, or assignee, or other person interested as aforesaid who makes any unfounded statement or declaration respecting the points under examination shall, upon conviction thereof before any court or justice of the peace having jurisdiction, be subjected to the penalties herein provided for the violation of the requirements of this act and the orders of the State, county, or municipal boards of health.

SEC. 19. Every county board of health shall have power to quarantine against any other county or counties or adjoining States, subject to approval of the State board of health, when any dangerous communicable disease exists, if in its judgment it is deemed necessary, and shall also have the power to quarantine any case of communicable disease within the county; it shall have authority to call all police officers, sheriffs, and constables, and all county officers to enforce such quarantine, subject to the authority of the State health officer.

SEC. 20. Whenever there shall exist in the opinion of the State board of health imminent danger of the introduction of any dangerous communicable disease into the State of Oregon, by means of railroad, steamboat, or other communication with other States, the said State board of health is authorized and it is hereby made its duty to make, through its executive officer or some member of the board, or accredited inspector or agent, an inspection of all railroad cars, steamboats, or other conveyances coming into the State, at such points or between such points within the State limits as may be selected for this purpose.

Such inspection shall be made, where practical, during the ordinary detention of a train at a station, or while in transit between stations, or if a steamboat, while in port, and in all cases shall be so conducted as to occasion the least possible detention or interruption of travel or inconvenience to the railroad companies or steamship companies, so far as consistent with the purposes of this act.

SEC. 21. Should discovery be made of the existence among the passengers of any case or cases of dangerous communicable disease, the health officer or his agents or inspectors, under rules and conditions prescribed by the State board of health as being applicable to the nature of the disease, shall have power to cause the sidetracking or detention of any car or cars so infected, or, if a steamboat, detain in port, to isolate the sick or remove them to a suitable place for treatment, to establish a suitable station, to cause the passengers and material in such infected car or steamboat to be subjected to disinfection and cleansing before proceeding farther into the State, and to offer free immunization in those diseases to which such prophylactic treatment is applicable to all persons exposed in any car or at any station or port. Should any question arise as to the existence of any emergency the State board of health shall have final jurisdiction.

SEC. 22. It shall be the duty of all physicians, and all other persons practicing the art or science of healing of human beings, and all persons having the care of persons affected with any communicable disease, including heads of households, immediately upon the development of the disease so as to show its communicable character, to report to the local health officer within whose jurisdiction such sick person may be located in the manner required by the

rules and regulations of the State board of health and upon blanks supplied by said board, the name and address of any person afflicted with any communicable disease on which the State board of health requires a report, together with the nature of the disease and such other information as shall be required by the State board of health. It shall be the duty of any person required to make a report under this statute either to procure from the county health officer a blank furnished by the State board of health for the making of such report, or to make such report in writing and furnish therein information required by the State board of health.

SEC. 23. No pupil, teacher, or janitor shall be permitted to attend any private, parochial, or public school when afflicted with any communicable disease, nor shall they be permitted to attend such school from any house in which exists any communicable disease, except in strict conformity with the rules and regulations of the State board of health.

SEC. 24. Whenever any school principal or teacher in any private, parochial, or public school has reason to suspect that any pupil is afflicted with or has been exposed to any communicable disease required by the rules and regulations of the State board of health to be excluded from school, such principal or teacher shall send such pupil home and report the occurrence to the local health officer by the most direct means available, and any pupil so excluded shall not be permitted to again attend school until such pupil shall present a certificate from a legally qualified physician stating that such pupil is not afflicted with nor a carrier of any communicable disease.

SEC. 25. Any board of school directors may prohibit the attendance of any vermin-infected or insanitary pupil upon the schools under their control, and said board of directors may require the city or county health officer to make an examination of any pupil who may be suspected of having any vermin or of being in an insanitary condition of the body or clothing, and may require the parents or guardian of such pupil to put such pupil in a sanitary condition before returning to school.

* * * * *

SEC. 27. Any board of school directors may, on account of the prevalence of any communicable disease, or to prevent the spread of such communicable disease, prohibit the attendance of any teacher or pupil upon any school under their control, and may specify the time during which such teacher or pupil shall remain away from such school, and may prohibit the attendance of any unvaccinated child who has not had the smallpox upon the schools under their control, and shall also have the power to decide how far revaccination shall be required if a case or cases of smallpox have occurred in the city or district.

SEC. 28. No books shall be loaned from a public library or from a privately owned circulating library to any person afflicted with any communicable disease or to a person living in a residence wherein such case of communicable disease exists. In case a book is loaned unknowingly, or such disease occurs while [the] book is loaned, such book when returned to the library must be disinfected in accordance with the rules and regulations of the State board of health.

SEC. 29.¹ It shall be unlawful for any person, firm or corporation having delivered merchandise, such as clothing, wearing apparel of every description, hair goods, brushes, rubber goods, books, mattresses, blankets, sheets, pillows or other kinds of bedding, to any person or persons, firm or institution at or thereafter taken to any place where any communicable disease exists or may

¹ This is an exact copy of the section as printed in the session laws.

exist, after the delivery of such merchandise, and intermingle the same with other goods for sale or offer the same for sale or sell the same, or to receive any merchandise from any place or premises where any communicable disease exists or has existed, and intermingle such goods with other goods for sale or offer the same for sale or sell the same, until such goods has [have] been thoroughly disinfected in accordance with the rules and regulations of the State board of health.

SEC. 30. It shall be unlawful for any person knowing himself or herself to be afflicted with a dangerous communicable disease to use any public conveyance, street car, railroad car, or taxicab, and it shall also be unlawful for any person or persons to knowingly assist such afflicted person by the use of any such public conveyance, and such person shall be liable for punishment under this act.

SEC. 31. If any person shall infect himself or suffer himself to be infected, or shall infect another with any malignant communicable disease, within this State, or being so infected shall come within this State with the intent to cause the prevalence or spread of such disease within this State, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than one year nor more than three years.

Communicable Diseases—Reports of Cases—Closing of Public Places—Reports Concerning Epidemics—Appointment of Local Sanitary Officers by State Health Officer—Reports of Industrial Diseases—Quarantine—Placarding—Isolation—Disinfection—Attendance at Schools and Gatherings—Incubation Periods—Special Restrictive Measures—Control Measures and Requirements for Specific Diseases—Food Handling—Regulation of Tuberculous Patients—Common Carriers—Sale of Merchandise—Library Books. (Reg. Bd. of H., Aug. 27, 1919.)

SEC. 4. *Closures.*—Whenever it becomes necessary in the opinion of the State board of health on account of the unusual prevalence of any communicable disease, or when such disease becomes epidemic, the State health officer may issue orders to county and city health officers directing them to make a closure, and in order to prevent the further spread of such communicable disease or such epidemic to direct the closing of and prevent all public gatherings in all schools, churches, lodges, theaters, pool and billiard halls, stores, and other places of business, or any one or more of such public places; and to this end said county and city health officers shall have power to deputize persons as guards, and such deputized persons shall have the power of deputy State health officers and shall maintain and strictly enforce such closing order.

SEC. 5. *Initial action to prevent epidemics.*—(a) Whenever any laboratory or clinical diagnosis discloses that any disease is of a communicable nature, the person making such diagnosis shall immediately take such action as he may deem necessary in order to prevent the spread of such disease, and shall make a report of such action to the State health officer. Such person shall, in addition to such report, be prepared to take any such further steps as may be deemed necessary by the State health officer, and shall report such case, and all connected therewith, to any person or institution designated by the State health officer. Pending official action by the jurisdictional health officer, the attending physician or other person practicing the science of healing shall establish and maintain quarantine rules and regulations as prescribed by the State board of health.

(b) Whenever there occurs within the jurisdiction of a local health officer an epidemic or the unusual prevalence of a notifiable disease, the local health

officer shall within 30 days after the epidemic shall have subsided make a report to the State board of health of the number of cases occurring during the epidemic, the number of cases terminating fatally, the origin of the epidemic, and the means by which the disease was spread: *Provided*, That whenever the State board of health shall have taken charge of the control and suppression or undertaken the investigation of the epidemic the local health authority having jurisdiction need not make the report otherwise required.

(c) It shall be and is hereby made the duty of all health officers within the State to keep currently informed of the occurrence, geographic distribution, and prevalence of preventable diseases throughout the State and to carefully and systematically make reports of such communicable diseases that may be required by these rules and regulations.

(d) Every person who in the State of Oregon treats or examines for the purpose of diagnosis or treatment any person suffering from or afflicted with, or who suspects that any person treated or examined by him is suffering from or afflicted with, any one of the diseases made notifiable by the preceding section shall report such case to the jurisdictional health officer within 24 hours after making a diagnosis or suspecting the disease to be one required to be reported. Said report shall be transmitted either by telephone or in writing. If made in writing, the report shall be on the blank form required by these rules and regulations and may be forwarded by mail or special messenger or delivered in person at the office of the jurisdictional health officer. If transmitted by telephone, the report shall be recorded by the jurisdictional health officer at the time of receipt on one of the blank forms above mentioned; said report, whether in writing or by telephone, shall give the following information, which is necessary for the protection of the public health and welfare:

1. The date when the report is made.
2. The name of the disease or the suspected disease.
3. The probable date or time of onset of the disease.
4. The name, sex, race, and address of patient.
5. Age, occupation, school attendance, and place of employment of the patient.
6. Number of adults and of children in the household.
7. Source or probable source of infection or the origin or probable origin of the disease.
8. Name and address of the person making the report.
9. If the disease is or is suspected to be smallpox the report shall, in addition, show whether the disease is of the mild or virulent type and whether the patient has ever been successfully vaccinated, and if the patient has been successfully vaccinated the number of times and dates or approximate dates of such vaccination.

10. If the disease is or is suspected to be typhoid fever, scarlet fever, diphtheria, or septic sore throat, the report shall show where the patient resides or if engaged or employed in the handling of milk for sale or preliminary to sale.

Provided, That if the person making the report is unable to secure any item or items of information mentioned in items 5, 6, 7, and 10, of section 5, without independent inquiry, he shall state that fact on the report, and it shall then be the duty of the jurisdictional health officer to investigate the case and secure the information; and it shall be the duty of any person who may be interrogated in relation thereto to answer correctly and to the best of his knowledge all questions put to him by any officer or employee of the jurisdictional health office which may be calculated to elicit any information needed to verify or complete any report of a case of a known or suspected notifiable disease or to enable measures to be taken to prevent the spread of any such disease.

11. If the disease is or is suspected to be cholera, diphtheria, plague, scarlet fever, smallpox, yellow fever, or any other disease mentioned herein, or any new disease the cause of which being unknown and which threatens to become epidemic, the person making the report shall, in addition to the written report, give immediate notice of the case to the jurisdictional health officer in the most expeditious manner available.

SEC. 6. In localities in which there are no local health officers or boards of health except ex officio board of health as provided in section 13 of chapter 264 of the General Laws of Oregon, 1919, and all localities in which there are local health officers or boards of health, if adequate provision, in the opinion of the State health officer, has not been made for the proper notification and investigation and control of communicable diseases and in localities in which the local health authorities fail to carry out the provisions of chapter 264 of the General Laws of Oregon, 1919, or any of the laws of Oregon relating to public health or any of the rules or regulations of the State board of health, the State health officer may appoint properly qualified sanitary officers to act as local health officers and to prevent the spread of diseases in and from such localities and to enforce the provisions of said chapter 264 of the General Laws of Oregon for 1919, and the provisions of these rules and regulations: *Provided*, That salaries and other expenses incurred under the provision of this section shall be paid by the local authorities where such sanitary officer is appointed to act.

SEC. 7. Section 22 of chapter 264, an act passed by the 1919 legislature, makes it compulsory by law for any physician or any other person practicing the science or art of healing to report to the local health officer in writing or upon the proper blank the name and address of patient, the nature of the disease, and such additional information as may be required by the State board of health.

Contagious-disease report blanks can be secured from the county health officer or the city health officer of first-class cities, which contain a population of 2,000 or over. Physicians or other persons practicing the art or science of healing in first-class cities procure blanks and report to the city health officer in charge. In other than first-class cities and where no health authorities are in charge, reports are made to the county health officers.

City health officers are under the supervision of the county health officer in that all reports and matters concerning public health must be furnished the latter.

Communicable diseases of unusual severity or the occurrence of any case which might endanger the community should be telegraphed or telephoned to the health officer in authority, later to be followed by written report.

SEC. 8. The submitting of laboratory specimens is not to be considered as a report of any case. The State board of health hereby declares the following communicable diseases dangerous to public health and they are hereby, according to law, strictly reportable within 24 hours on proper blanks to county and city health officers:

SEC. 9. Group 1:

Cerebrospinal meningitis:

(a) Epidemic.

(b) Tuberculous.

Chancroid.

Chicken pox.

Diphtheria.

Dysentery:

(a) Amebic.

(b) Bacillary.

Enterocolitis.

Erysipelas.

Favus.

German measles.

Gonorrhea.

Impetigo contagiosa.

Influenza (flu, grippe, la grippe, Spanish flu, three-day fever).

Measles.

Mumps.

Ophthalmia neonatorum.

Paratyphoid fever.

Pneumonia.
 Polliomylitis (infantile paralysis, acute infectious).
 Puerperal septicemia.
 Scabies (itch).
 Scarlet fever.
 Septic sore throat.
 Smallpox.

SEC. 10. Group 2:

Actinomycosis.
 Anthrax.
 Echinococcus.
 Glanders.
 Malaria.

SEC. 11. Group 3:

Asiatic cholera.
 Berl beri.
 Dengue.
 Hookworm.
 Leprosy.
 Malaria.

SEC. 12. Group 4 (reportable by law):

Caisson disease.
 Poisoning by arsenic.
 Poisoning by brass.
 Poisoning by carbon disulphide.
 Poisoning by carbon dioxide.
 Poisoning by carbon monoxide.
 Poisoning by cyanide.
 Poisoning by dinitro-benzine.

SEC. 13. Group 5:

Cancer.
 Continued fever lasting seven days.

Syphilis.
 Trachoma.
 Tuberculosis (all forms, the organ or part affected in each case to be specified).
 Typhoid fever.
 Vincent's angina.
 Whooping cough.

Pellagra.
 Rabies.
 Rocky Mountain spotted fever.
 Tetanus.
 Trichinosis.

Paragonimiasis.
 Plague.
 Relapsing fever.
 Schistosoma.
 Typhus.
 Yellow fever.

Poisoning by fuel gas.
 Poisoning by lead.
 Poisoning by mercury.
 Poisoning by naphtha.
 Poisoning by phosphorus.
 Poisoning by silver.
 Poisoning by wood alcohol.
 Any other poisoning.

Drug addictions or habits.

SEC. 14. The following, according to law, must report the occurrence of any contagious disease in writing or on the proper blank, to the city or county health officer: (a) Any person practicing the art or science of healing; (b) anyone having the care of a patient, if (1) the head of a household, (2) the proprietor of a hotel, (3) the proprietor of a lodging house, (4) the proprietor of a boarding house, (5) the proprietor of a dairy or produce farm, (6) the superintendent or manager of a private hospital or sanitarium, (7) visiting nurses, (8) heads of schools, (9) teachers in common and Sunday schools.

SEC. 15. When any county health officer receives a report of a "reportable" disease named in sections 9 to 13, inclusive, he must immediately enter the same in his record book of contagious diseases and without delay as provided for in these rules and regulations, forward the original report to the State board of health.

SEC. 16. Quarantine demands prohibition of entrance to, or exit from, the immediate building or rooms occupied by the patient or members of the family, except by officers or attendants authorized by the health authorities. If necessary, guards should be secured for the enforcement of this rule.

Approved placards must be placed conspicuously at the front and rear entrances, showing the name of the disease in type of approved size.

The health officer or physician must prescribe restrictive measures controlling the delivery of the necessities of life.

No object or materials should be removed from the sick room or premises until thoroughly disinfected.

Quarantine is released only upon permission from the health officer in charge. For further instructions regarding quarantine see section 13, chapter 264, General Laws of Oregon, 1919.

SEC. 17. The following diseases require absolute quarantining as specified in section 16:

Bubonic plague.	Leprosy.	Scarlet fever.	Typhus.
Diphtheria.	Poliomyelitis.	Smallpox.	Yellow fever.

SEC. 18. Isolation, or modified quarantine, requires the confinement of the patient and attendant to one apartment or suite of rooms. Members of household or other persons must be excluded from the sick room. Officers and authorized attendants only may have access to the sick room. Nothing should be removed from the sick room until disinfection is undergone. The remainder of the house must be protected by a sheet suspended from the top of the entrance of the sick room and kept constantly soaked with an approved disinfectant solution. Attendants and officers leaving the sick room must wipe shoes upon a mat soaked in the same solution which is placed on the floor in a flat pan.

Any member of the family, adult or child, who can not show evidence of having had the disease in question, is strictly forbidden from attending any private, public, or parochial school, any church or place of amusement, or public gathering of any kind.

Approved placards must be placed conspicuously at the front and rear entrances, showing the name of the disease in type of approved size.

Modified quarantine is released only upon permission from the health officer in charge.

SEC. 19. The following diseases require quarantining as specified in section 18:

Typhoid fever.	Measles.	Mumps.
Paratyphoid fever.	German measles.	Cerebrospinal meningitis.
Whooping cough.	Chicken pox.	Septic sore throat.

SEC. 20. Special restrictive precautions require that the patient be prohibited from attending any public gathering or associating freely with other persons. Individual eating utensils, towels, napkins, and clothing are required for the patient. Toys, books, or anything handled by the patient should not be used by others. Special quarters should be provided, and sleeping with other members of the family is prohibited.

The corrective treatment or restrictive measures vary with the nature of the disease and are subject to the judgment of the physician or health officer in charge. Restrictive or precautionary measures are dispensed with only by consent of physician or health officer. Failure of members of household to comply with modified quarantine or restrictive precautionary methods will result in absolute quarantine subject to the decision of the health officer in charge.

SEC. 21. The following diseases require special restrictive measures as specified in section 20:

Tuberculosis.	Erysipelas.	Anthrax.
Trachoma.	Impetigo contagiosa.	Rabies.
Ophthalmia neonatorum.	Scabies.	Dysentery (amebic and specific bacillary).
Dysentery (epidemic enterocolitis).	Influenza.	Syphilis.
Pneumonia.	Glanders	Gonorrhea.
Favus.	Actinomycosis.	
	Hookworm.	

MINIMUM CONTROL MEASURES FOR COMMUNICABLE DISEASES.

SEC. 22. *Diphtheria*.—(a) Infection contracted from contact with nose and throat secretions. Incubation period a few hours to five days.

(b) Placard.

(c) Quarantine for the patient not less than 14 days.

After two successive cultures of the nose and throat are negative when taken at intervals of 24 hours, quarantine may be lifted. Cultures must be taken by health officer in authority. The laboratory of the State board of health will make bacteriological examinations free of charge.

(d) For persons who have not previously had diphtheria and who have been exposed to the disease, but do not live on quarantined premises, isolation for 10 days should be observed. This isolation may be dispensed with upon the finding of a negative culture from nose and throat.

(e) All bedding, clothing, dishes, and other articles used in the sick room must be disinfected before being removed. Boiling in water or soaking in a solution of formaldehyde may be used for disinfection.

(f) Adult members of the family wishing to pursue their occupations may change their residence by permission of the health officer or physician in charge, and according to the following restrictions:

1. A disinfectant bath must be taken.
2. A set of clothes must be worn either new or disinfected.
3. Cultures from nose and throat must be negative.

(g) Children in the family will not be permitted to attend school or any other public assembly until 10 days have elapsed after recovery or death of patient. To prevent the possibilities of diphtheria carriers entering schools, cultures should be made from the nose and throat of pupils before being admitted to school.

(h) When diphtheria appears in a school, cultures should be taken from all pupils, teachers, and janitors who have been exposed or show signs of throat infection. All persons from whom cultures are reported as containing diphtheria germs must be excluded from the schools and isolated for 10 days.

It is undesirable to close schools, and if these precautions are taken, as a rule, school closure will be unnecessary.

If the rooms, desks, woodwork, and doors are thoroughly cleansed with soap and water and then well aired for a period of 24 hours, fumigation will not be necessary.

(i) If patient lives on a dairy farm, or is engaged in the handling of any foodstuffs, the sale of milk or any other product is prohibited unless special arrangements are made with the health officer or physician in compliance with sections 51 and 53. The health officer is further empowered by section 52 to destroy all food products as provided in said regulation.

(j) When the patient is released from quarantine, a disinfectant bath of weak lysol solution or mercuric chloride 1-2000 must be taken, and patient clothed in clean, unexposed, or sterilized clothing. Rooms must be cleansed, renovated, and disinfected as directed by the health officer or physician in charge.

SEC. 23. *Scarlet fever, scarlatina (scarlet rash)*.—(a) Communicable by contact with secretions from nose, throat, mouth, and ears.

(b) Placard.

(c) For the patient and members of the family, quarantine for not less than 30 days.

Quarantine released only after complete disappearance of inflammation of nose and throat and complete cessation of discharge from nose, throat, ears, or suppurating glands.

(d) No material, dishes, bedding, or clothing should be removed from the sick room without disinfection. Physicians should leave instructions protecting the other members of the household, especially in the disposal of discharges from nose and throat of patient.

(e) Persons exposed who do not reside on the quarantined premises shall be kept under isolation and observation of health officer and physician for a period of 10 days. During this period, children [persons?] must be excluded from school or any occupation which brings them in contact with children or large numbers of persons, which includes the handling of milk or other food supplies.

(f) If the patient lives on a dairy farm or is engaged in the handling of any foodstuffs, the sale of milk or any other product is prohibited unless special arrangements are made with the health officer or physician in compliance with sections 51 and 53. The health officer is further empowered by section 52 to destroy all food products as provided in said regulation.

(g) Heads of families and children who have previously been infected may, under the permission of the health officer or physician, be removed to another residence and kept in isolation for 10 days before resumption of occupation or school attendance. The restrictive measures in section 9 must be complied with.

(h) After recovery or death of a patient, children in the family are not permitted to attend school or any public gathering until 10 days have elapsed. The premises must be renovated, cleansed, and disinfected.

(i) Upon the appearance of scarlet fever in schools, it is imperative that the children be examined daily by the teacher, principal, or physician, or an authorized public-health nurse. Those pupils found with symptoms of illness or having a sore throat must be excluded from attendance and kept under observation for 10 days. If the children can not be thoroughly inspected daily and isolation is difficult to enforce, it may become necessary to close not only the schools but all places of public assembly where children meet for a period of one week after the onset of the disease in the last case.

A strict lookout and isolation should be maintained for the appearance of "septic sore throat" infection, as many of these cases are virtually mild scarlet fever.

SEC. 24. *Septic sore throat (epidemic) and streptococci sore throat.*—(a) Communicable from the use of milk from cows having diseased udders. Milk may also be contaminated when handled by infected persons.

Incubation period short.

(b) Placard.

(c) Isolation of patient until a culture from the throat shows the absence of streptococci. Sick-room articles and throat discharges must be disinfected.

(d) If the patient lives on a dairy farm or is engaged in the handling of any foodstuffs, the sale of milk or any other product is prohibited unless special arrangements are made with the health officer or physician in compliance with sections 51 and 53. The health officer is further empowered by section 52 to destroy all food products as provided in said regulation.

(e) Cultures of suspected cases must be sent to the laboratory of the State board of health for diagnosis.

(f) Terminal disinfection required.

SEC. 25. *Smallpox.*—(a) Communicable from contact, air, and fomites.

Incubation period 12 to 20 days.

(b) Placard.

(c) Encourage removal of patient to isolation hospital. Quarantine period not less than 21 days after the beginning of the disease. Quarantine not released until all skin lesions have cleared up and cessation of all nose and throat discharges.

(d) Members of the household who have had the disease or have been successfully vaccinated within seven years may enter or leave the house, provided contact with patient or sick-room articles is avoided; such persons must also take a disinfectant bath and be dressed in clean unexposed clothing.

(e) Persons not living on the premises who are susceptible (not vaccinated nor having had previous infection), and who have been exposed, shall be isolated and kept under the observation of the health officer or physician for a period of 18 days. Exposed immunized persons are exempt from isolation if successfully vaccinated within seven years or if they have had the disease. Submission to vaccination exempts the individual from isolation.

(f) If smallpox exists in a community, the county or city boards of health shall provide free vaccination for persons desiring protection against infection. When smallpox exists in a community, no child shall be permitted to attend school without presenting satisfactory evidence of his having been successfully vaccinated within seven years.

(g) The physician or health officer shall instruct the household upon the disposal of discharges from the patient's nose, throat, and skin lesions. All sick-room articles must be disinfected before being removed. The attendant should be vaccinated and wear clothing of such quality as to permit of easy disinfection. Attendant's heads should be covered and their hands should be thoroughly disinfected before leaving the sick room. Upon recovery and before terminating quarantine, the entire body of the patient should be washed with soap and water disinfected with lysol or mercuric chloride 1 to 2,000, and dressed in clean unexposed clothing. The sick room should be renovated, cleansed, and disinfected under the supervision of the health officer or physician in charge.

(h) Upon recovery or death of the patient other children in the family should not be permitted to enter school or attend public assemblies until a period of 18 days has elapsed. Exemption from these restrictions is through vaccination or showing evidence of successful vaccination within seven years. In order to prevent the closure of schools, all exposed children should be immediately vaccinated.

(i) If the patient lives on a dairy farm, or is engaged in the handling of any foodstuffs, the sale of milk or any other product is prohibited unless special arrangements are made with the health officer or physician in compliance with sections 51 and 53. The health officer is further empowered by section 52 to destroy all food products as provided in said regulation.

SEC. 26. *Whooping cough (pertussis).*—(a) Highly communicable through the respiratory tract. Duration six to eight weeks.

(b) Placard.

(c) Due to the high mortality and sequelæ of this disease, strict isolation should be enforced. The period of isolation should not be less than five weeks, and longer if necessary, until the disappearance of the characteristic "whoop."

(d) The physician or health officer should instruct the members of the household on the proper disposal of the nose and throat secretions and vomited material. All sick-room articles should be thoroughly disinfected. The patient may, if circumstances permit, have the isolated use of the yard or "fenced off play yard." Household pets should be discouraged from entering the house and if possible should be done away with.

(e) Other children in the family who have had the disease and have entirely recovered shall be allowed to attend school. This privilege is entirely subject to the authority of the health officer or physician and may be withheld if in the judgment of the health officer or physician public health demands. Upon recovery or death of patient, children are not permitted to attend school until 14 days have elapsed, provided they have not had the disease. Thorough renovation, scrubbing with soap and water and plentiful air to permeate the premises.

(f) In order to prevent epidemics and prevent the closure of schools, susceptible children must be isolated particularly from the ninth to the fourteenth day after exposure. When whooping cough occurs in the schools, daily inspection of the children should be made in order to isolate and observe children showing early symptoms of any indefinite illness. City or county boards of health should provide immunization by free vaccine. If the above precautions are not observed, closing the schools and places of public gathering will be necessary. When an epidemic exists or is imminent, children should be prohibited from attending "movies," theaters, and all public assemblies.

SEC. 27. *Measles (rubella)*.—(a) Highly communicable from direct and indirect contact with discharges from eyes, nose, and throat. Infection is spread at least four days before skin eruption appears.

Incubation period from 7 to 14 days.

(b) Placard.

(c) Due to the seriousness of the disease, strict isolation should be maintained for at least seven days after the appearance of the skin lesions. This period of isolation is extended when necessary to await the cessation of all eye, ear, nose, throat, and gland discharges, and until the skin lesions are entirely cleared up.

(d) Adult members of the family may be permitted to attend to their occupations if direct contact with children does not occur and food supplies are not handled. This privilege may be withdrawn if in the opinion of the health officer or physician public health is in danger.

(e) Children in the household who have had measles may attend school, provided they do not come in contact with the patient or sick-room articles. It is very important that nonimmunized children who do not reside on the isolated premises, when exposed, must be isolated before skin eruption occurs. Isolation for observation should be for 10 days.

(f) When measles are prevalent in the community, all children before entering school should be closely observed for evidence of a cold in the head, sneezing, and watery red eyes. Such children should be excluded from school at once and the health officer or physician notified. If the school is closed, the cases become scattered, so it is more difficult to know where they are; hence it is generally not wise to close the schools, but in the rural districts where there is no medical inspection it may become expedient to close the schools, beginning nine days from the time the last child became ill.

(g) Terminal disinfection can be replaced by renovation, thorough cleansing, and airing.

SEC. 28. *German measles*.—Since German measles is often confused with a mild form of measles, it should be handled in the same manner as measles, except that isolation may be removed after seven days from the beginning of the disease.

SEC. 29. *Chicken pox (varicella)*.—(a) Communicable to adults and children. Incubation period 10 to 20 days.

(b) Placard.

(c) Strict isolation for the patient for 14 days from the onset of the disease and continue unless exfoliation, crusts, or scabs have cleared up.

(d) Adults and children in the household who have had the disease can go and come provided they do not come in contact with the patient or sick-room articles.

(e) Attendance at school is forbidden for any child of the family who had not had the disease. As mild smallpox closely resembles chicken pox, it is often mistaken for it. It is imperative that on the occurrence of chicken pox in schools, children be examined daily. Any child suspected of having chicken pox must be reported to the health officer or physician.

(f) Terminal disinfection can be replaced by renovation, thorough cleansing, and airing.

SEC. 30. *Mumps (epidemic parotitis).*—(a) Communicable to adults and children from nasal, throat, and salivary secretions. Contagion occurs before the appearance of any symptoms.

Incubation period 10 to 25 days.

(b) Placard.

(c) As a result of the serious sequelæ and occasional deaths from epidemic parotitis, isolation for the patient is necessary until one week after swelling of parotid glands has subsided.

(d) Exclusion from school of children of the household who have not had the disease. Adult members of the family may come and go if they do not come in contact with the patient.

(e) Terminal disinfection may be replaced by thorough cleansing, renovation, and airing of the quarters and their contents.

SEC. 31. *Typhoid and paratyphoid.*—(a) Derived from infected stools, urine, vomitus, and sputum of persons infected with typhoid fever. Conveyed into the system by use of contaminated water, milk, oysters, or other food; more frequently by contact with infected persons or sick-room articles. Flies are carriers.

Incubation period 10 to 21 days.

(b) Placard.

(c) Isolation for patient in a room screened against flies. All bedding, clothing, dishes, and utensils of every description must be disinfected by boiling or soaking in a solution of formaldehyde. Bedpans and urinals must be disinfected with copious amounts of quicklime before being emptied. The attendants' hands must be kept scrupulously clean. Members of the family must avoid coming in contact with patient or any sick-room articles.

(d) If the patient lives on a dairy farm, or is engaged in the handling of any foodstuffs, the sale of milk or any other product is prohibited unless special arrangements are made with the health officer or physician in compliance with sections 51 and 53. The health officer is further empowered by section 52 to destroy all food products as provided in said regulation.

(e) Physicians in diagnosing cases must send in blood for a Widal test not earlier than the end of the second week. If paratyphoid is suspected, the State board of health should be notified so that the proper laboratory tests may be made. (If capillary tubes are not available, a few drops of blood, dried on a piece of glass slide or blotting paper, may be sent to the State board of health.)

(f) City or county boards of health should provide free prophylactic vaccine when necessary to protect the public against infection.

(g) In cases where persons are ill with typhoid fever in a hotel, lodging house, or camp, the health officer or physician shall strictly forbid any person

having to do with the care of the patient from working at anything having to do with the preparation or handling of food.

(h) Physicians or health officers must immediately report these cases and ascertain the source of infection to prevent its further spread. A constant lookout should be maintained for suspected typhoid carriers and when found reported to the State board of health.

(i) Terminal disinfection can be replaced by thorough renovation.

SEC. 32. *Poliomyelitis (infantile paralysis)*.—Isolation is a useful measure for limiting the spread of this disease. It is often, however, without demonstrable effect because of the general prevalence of unrecognized cases and carriers.

(a) An isolation period for the patient of not less than two weeks or more than three weeks from onset of the disease unless the temperature has not returned to normal in the meantime.

(b) Children of the same household in contact with the patient must be restricted from places of public assembly for a period of 14 days from last date of contact, as determined by the health officer.

(c) Adults of the household may continue their vocations provided they are not brought into contact with children at any time.

(d) The discharge from the nose, throat, and bowels of the patient must be disinfected promptly.

(e) The caretaker shall wash the hands with soap and hot water promptly after handling such discharges.

(f) The caretaker shall wash the hands similarly before leaving the room occupied by the patient.

(g) Isolation shall be terminated by a thorough washing of the entire body and the hair of the patient. The room should be thoroughly cleaned with soap and hot water and should be aired and sunned.

(h) Sick-room precautions should include the usual attention to cleaning and disinfection of eating utensils, personal and bed clothing, rugs, door knobs, and other things handled by the patient or caretaker.

(i) Unless special covering and gloves be worn the physician and nurse shall so handle the patient that discharges shall not soil their clothing, special care being taken to prevent droplet infection. Physician and nurse should thoroughly wash their hands before leaving the premises.

(j) The removal to hospitals of persons affected with poliomyelitis, when proper care of patient can not be obtained at home, is advised, but during the earlier stages of the disease the patient needs rest in bed and transportation to a hospital might be detrimental to his welfare.

Suggested measures in case of epidemic.—1. Travel and contact with children should be discouraged.

2. Surveillance of such persons as have been definitely exposed to the disease.

3. The employment of public-health nurse.

4. The employment of expert diagnosticians and the use of the lumbar puncture.

5. Food inspection.

6. Daily medical inspection in schools.

7. Screening of patients that insects may not have access to patient or his excretions.

8. Exclusion of household pets from sick room.

9. All children having fever should be isolated pending diagnosis.

10. Prompt report of cases by telephone and telegraph in addition to the written case history required by law.

SEC. 33. Cerebrospinal meningitis.—(a) Communicable probably through nasal passages. Incubation period 1 to 5 days or longer.

(b) Placard.

(c) Isolation of patient not less than 14 days.

(d) Other children in the family not permitted to attend school until 10 days have elapsed after termination of disease.

Adult members of the household may attend their occupations if no contact occurs with patient or if no food products are handled.

(e) If the patient lives on a dairy farm or is engaged in the handling of any foodstuffs, the sale of milk or any other product is prohibited unless special arrangements are made with the health officer or physician in compliance with sections 51 and 53. The health officer is further empowered by section 52 to destroy all food products as provided in said regulation.

(f) Terminal disinfection may be replaced by thorough cleansing and airing of room and its contents.

SEC. 34. Tuberculosis.—(a) Communicable from the sputum, secretions, and excretions of tuberculous individuals. High percentage of infection occurs in early childhood from contaminated milk or food and contact with afflicted members of family. Insects may transmit the disease.

Incubation period varies.

(b) Reportable by law. Report every case of tuberculosis to the local health officer within 24 hours after diagnosis is made upon the proper blank.

(c) The physician or health officer should instruct the patient and members of the family how to prevent the spread of infection by compelling the proper use of sputum cups and the burning or proper disposal of cloths used for the collection of sputum or other secretions. Hospital care should be encouraged wherever it is possible.

(d) Physicians must notify the health officer whenever premises are vacated by death or removal of any patient having tuberculosis.

(e) Premises vacated must be cleansed and renovated by the owner before being reoccupied. If the work is not started within 48 hours after the order is issued by the health officer or physician, the premises must be placarded notifying the occurrence until renovation has been completed.

(f) Bedding, furniture, and household goods are not permitted to be sold or moved to other quarters unless thoroughly disinfected, cleansed, renovated, and aired under the supervision of the health officer or physician.

(g) Any person afflicted with pulmonary tuberculosis or any discharging tuberculosis lesion is prohibited from working as a teacher or janitor in any school; in a dairy; as a cook or food handler in any hotel, restaurant, hospital, sanitarium, or other institution. Employment as janitor, sexton, or caretaker is prohibited in any church, hall, lodge, clubroom, auditorium, public building, or any other place used for public assemblies or meetings of any character.

(h) The laboratory of the State board of health will examine sputum for the presence of tubercle bacilli free of charge.

SEC. 35. Trachoma.—(a) Communicable to the eyes by infected hands, towels, washbasins, bedding, clothing, and handkerchiefs.

Incubation period is indefinite.

(b) Children with eyes infected by trachoma must not attend school until cured.

(c) Physician or health officer must instruct members of the family how to avoid infection through extreme cleanliness. Secretions from the eyes should be collected in gauze or in cheesecloth and burned.

SEC. 36. *Ophthalmia neonatorum* (infected eyes in the newborn).—(a) An infection of the eyes of infants by gonococci communicated during or shortly after birth.

Incubation period a few hours to several days.

(b) Isolation of mother and child recommended.

(c) Reportable by law on special blank according to chapter 264, session laws of 1919.

(d) Physicians should instruct members of the family on extreme cleanliness. All contaminated dressings should be burned.

(e) After the baby is born and has been cleansed in the usual manner, wash the eyes with the following solution of boracic acid: One pint of cold boiled water to which is added 2 teaspoonfuls of boracic acid. Open the lids carefully and drop in the eyes 2 or 3 drops of freshly prepared 2 per cent solution of silver nitrate (silver nitrate, 9 grains; distilled water, 1 ounce).

If an infant's eyes have not been cared for and inflammation occurs in them before treated as outlined above, a smear on a glass slide should be made of the discharge from the eye and an examination made for gonococci. The laboratory of the State board of health will examine such specimens free of charge.

SEC. 37. *Pneumonia*.—(a) Communicable through inhalation. Incubation period one to four days.

(b) Isolate patient until well. Burn or disinfect all contaminated articles, infected sputum and discharges from nose and throat.

(c) Terminal disinfection may be replaced by thorough cleanliness, renovation, and airing of room and contents.

SEC. 38. *Influenza* (la grippe).—(a) Communicable through infected secretions from nose, throat, and respiratory tract.

Incubation period 7 to 14 days.

(b) Strict isolation of patient until well. Members of family who do not attend patient should be forbidden access to sick room.

(c) Health officer or physician should instruct the community on the dangers of the use of the common drinking cup, roller towels, kissing, droplet infection, handkerchiefs, pipes, toys, soda-water glasses, spoons, and other articles recently mouthed. Ventilation of all public places should be observed and overcrowding should be avoided.

(d) Children of the family may attend school if contact with patient or sick-room articles is avoided. If in the judgment of the health officer or physician it is deemed necessary, this may be withdrawn.

(e) Children having the infection or a severe cold shall be excluded from school until well.

(f) So-called severe colds are to be dealt with the same as influenza.

(g) Terminal disinfection may be replaced by thorough cleansing, renovation, and airing of the room and its contents.

SEC. 39. *Impetigo contagiosa*.—(a) A highly communicable skin disease. Communicated by contact and wearing apparel. The infection remains in wearing apparel for several months.

Incubation period a few hours to several days.

(b) Isolation of patient for two weeks or longer, until skin lesions clear up.

(c) Burn or disinfect all contaminated articles.

(d) Any child having impetigo shall be excluded from school.

(e) Physicians, health officers, and teachers should furnish infected pupils and their parents with instructions in opening pustules and applying an ointment such as 5 grains to one-half scruple of ammoniated mercury to 1 ounce of cold cream or vaseline.

(f) Terminal disinfection and renovation required.

SEC. 40. *Scabies*.—(a) A skin disease communicated by contact with infected persons and handling articles used by them.

(b) Incubation period varies.

(c) Patient should be isolated until recovery. Members of the household should be instructed how to avoid infection.

(d) Children should be excluded from school. Physicians, health officers, and teachers should instruct the patient how to prevent the spread of infection and to use an ointment containing two drachms of sulphur to an ounce of lanolin or vaseline.

(e) Terminal disinfection can be replaced by renovation.

SEC. 41. *Favus*.—(a) Communicable by contact with a fungus which enters the hair follicles.

(b) The child should be isolated and placed under the care of a physician or health officer.

(c) Children should be excluded from school.

(d) Articles contaminated should be disinfected. Terminal disinfection may be replaced by thorough cleansing and airing.

SEC. 42. *Erysipelas*.—(a) A severe infection of the skin, mucous membranes, and underlying tissues. Communicable through contact with fomites and in the air.

Incubation period 3 to 10 days.

(b) Isolate patient until recovery.

(c) Exclude from school.

(d) All contaminated articles should be burned or disinfected.

(e) Terminal disinfection necessary.

SEC. 43. *Glanders (farcy)*.—(a) A dangerous disease contracted from horses; man to man infection is less common. The virus exists in nasal discharges and the infection comes through ulcers and abscesses.

Incubation period one to five days.

(b) Isolation of patient until recovery.

(c) Extreme care should be observed in handling the patient, as the discharges are highly infectious. Burn all dressings and disinfect all sick-room articles.

(d) Terminal disinfection necessary.

SEC. 44. *Anthrax (wool-sorters' disease, common malignant pustules)*.—(a) Dangerous and fatal disease to man and animals. Conveyed by virus entering small abrasions of skin or mucous membrane. Infection occurs also by inhalation of spores.

Incubation period one to three days.

(b) Isolate until death or recovery.

(c) Burn all contaminated dressings, etc.

(d) Terminal disinfection required.

SEC. 45. *Actinomycosis (lumpy jaw)*.—(a) A disease of cattle and domestic animals often communicated to man. Conveyed by food and drink, sometimes through air passages.

Incubation period is indefinite.

(b) Isolation of patient until well.

(c) Patient should be instructed to keep ulcers dressed. When the lungs are affected, the case should be handled as outlined for tuberculosis. All cloths and other articles contaminated with discharges should be burned. Intimate contact with patient should be avoided.

(d) Terminal disinfection necessary.

SEC. 46. *Hookworm (uncinariasis).*—(a) Infection derived from soil.

(b) Very important that these cases be reported. Stools of suspected cases will be examined by the laboratory of the State board of health.

(c) Isolation of patient.

(d) Excreta of patient must be disinfected.

(e) Extreme cleanliness and sanitary precautions are necessary.

(f) Terminal disinfection can be replaced by renovation.

SEC. 47. *Asiatic cholera, bubonic plague, leprosy, typhus and yellow fever.*—

(a) The State board of health should be immediately notified by wire of the occurrence of any of these diseases.

(b) Special measures will be enacted by the State and Federal authorities upon being notified.

SEC. 48. *Bubonic plague; harbor regulations.*—Every rope or hawser with which a vessel is made fast to a dock, piling, or the shore in the State of Oregon shall be fitted with a metal disk, technically known as rat guard; the disk to be not less than 36 inches in diameter and shall be affixed to the rope or hawser in such a manner as will prevent the passage of rats or other animals over or through it. Hose lines and pipes to be treated as lines unless otherwise protected.

All side ports, cargo ports, or other openings in a ship's side shall be closed from sundown to sunrise.

All gangways shall be raised at least 4 feet clear of the deck, except when actually in use.

All cargo planks, or skids, nettings, and save-alls shall be unrigged from sundown to sunrise, except during such time as actually in use, then only when brilliantly lighted.

The vessel shall be "fended off" to the dock or wharf a distance of at least 6 feet and kept there by means of shores or floats at all times.

This is to apply to vessels from Asiatic ports, Philippines and adjacent islands, Australia, Central and South America, and the Hawaiian Islands, and domestic ports infected with rodent plague.

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SEC. 50. *Regulations for the control of hydrophobia; to be passed by cities as ordinances.*—ARTICLE 1. Every person owning a dog in a city or incorporated town must apply to the clerk of said city or town for a license tag which will be issued upon the payment of _____. This tag must be attached to the dog's collar. Any dog running at large without a license tag attached to its collar will be immediately impounded in the public pound by any peace officer or poundmaster.

ART. 2. When an outbreak of rabies occurs or is imminent, no person shall cause or permit any dog owned or kept by him to run at large on any highway or road, or any premises not inclosed by a dog-tight fence, or on the public domain, unless such dog be securely muzzled so as to effectually prevent its biting any person or animal. Nothing herein contained shall be held to require the muzzling of any dog if properly confined on private premises, or while on any highway or road, or any premises not his own or under his supervision, or on the public domain if such dog be led by chain or leash in such a manner as shall prevent such dog from biting any person or animal. But nothing herein shall be construed to permit any bitch, when in heat, whether muzzled or otherwise, to run at large, or prevent an unmuzzled dog from actually being used in the range herding or handling of live stock. It shall be the duty of every officer to report to the sheriff or peace officer any dog which is found in his district contrary to the provisions of this section.

ART. 3. Any animal afflicted with rabies, or any animal bitten by a dog or other rabid animal suffering from rabies, is hereby declared to be a nuisance and such animal must be slain by the owner, or any officer or his deputy. Excepting that a permit may be issued to an owner exempting from slaughter any animal of great value that has been bitten by a supposedly rabid animal, provided said owner will agree to securely restrain or muzzle said animal for a period of three months, or will submit said animal to the Pasteur treatment. It shall be the duty of any person owning or exercising ownership or agency over any animal that has been bitten by a rabid dog or other animal to surrender such animal to the sheriff or his deputy, or any peace officer, unless above exemptions have been complied with.

ART. 4. Whenever any dog or other animal shall have bitten any person and is under suspicion of being rabid, it shall be the duty of the owner, or any officer, to take into custody and keep such dog or other animal under restraint for a period of not less than 10 days, during which period a veterinarian or any other person competent to decide shall determine whether such dog or other animal is diseased, and if so, whether in his judgment it should be killed. It shall be the duty of the peace officer, or any other qualified officer, to kill the diseased dog or other animal so condemned by shooting the same through the heart.

ART. 5. The brain of a dog or other animal which has been killed under the provisions of article 4 should be removed from the skull, packed in a 50 per cent solution of glycerine and water and sent prepaid to the State Board of Health, Selling Building, Portland, to have the brain examined for the presence of Negri bodies, the finding of which denotes that the animal was rabid.

ART. 6. Any dog or other animal kept under observation as provided in article 4, if declared free from rabid symptoms after two weeks, shall not be allowed to run at large for a period of not less than three months unless muzzled, or led by a chain or leash as provided for in article 2.

ART. 7. If the dog's or other animal's brain received by the State Board of health gives evidence that the dog or other animal was affected by rabies, the person bitten by such animal should immediately undergo antirabic treatment.

Caution should be exercised not to kill a dog or other animal too soon before the symptoms of rabies appear, because it will then be impossible to ascertain by examination of the dog's or other animal's brain whether rabies be present or not and an uncertainty will exist as to whether the person bitten should undergo antirabic treatment. If the dog or other animal is unquestionably rabid, it should immediately be shot and the brain sent to the board of health for examination. In shooting the dog or other animal care should be taken to aim the bullet directly through the heart so as not to destroy the brain which is to be examined.

ART. 8. If in the judgment of the State veterinarian and State health officer an epidemic exists or threatens an entire county, the said State veterinarian and State health officer should instruct the judge of said county to enforce these orders throughout the entire county.

ART. 9. All dogs owned or held within any county, in all zones or districts within 15 miles of where rabies has been diagnosed or a rabid dog or animal has been present, shall be restrained from running at large for a period of 90 days after the last reported outbreak of rabies or, unless otherwise ordered, and [sic] shall be either held by a chain or muzzled or restrained in such a manner as to prevent such dog or dogs from biting anyone or further conveying the infection. This order is not to apply to dogs that are being actually used in

the range handling and herding of live stock, but owners making such use of dogs are hereby ordered to muzzle and restrain all such dogs during their nonuse during the day and at all times during the night.

SEC. 51. *Handling of food in relation to communicable diseases.*—When a case of diphtheria, epidemic or septic sore throat, smallpox, typhoid fever, infantile paralysis, scarlet fever, epidemic cerebrospinal meningitis, amebic or bacillary dysentery exists on any farm or dairy producing milk, cream, butter, cheese, or other products likely to be consumed raw, no such food shall be sold or delivered from such farm or dairy except under the following provisions:

1. That such foods are not brought into the house where such case exists.
2. That all persons coming in contact with such foods eat, sleep, and work wholly outside of such house.
3. That such persons do not come in contact in any way with such house or its inmates or contents.
4. That such inmates are properly isolated and separated from all parts of said farm or dairy.
5. That a permit be issued by the health officer.

SEC. 52. In case diphtheria, epidemic or septic sore throat, smallpox, typhoid fever, infantile paralysis, scarlet fever, epidemic cerebrospinal meningitis, amebic or bacillary dysentery exists on any farm or dairy producing milk, cream, butter, cheese, or other products likely to be consumed raw, the State health officer or local health officer may destroy or order the destruction of any such foods as in his opinion may be so contaminated as to be a source of danger, and local authorities may compensate owners for food so destroyed.

SEC. 53. No person affected with any communicable disease shall handle food or food products intended for sale which are likely to be consumed raw or liable to convey infectious material.

No person who resides, boards, or lodges in a household who comes in contact with any person affected with diphtheria, epidemic or septic sore throat, smallpox, typhoid fever, infantile paralysis, scarlet fever, epidemic cerebrospinal meningitis, amebic or bacillary dysentery, shall handle food or food products intended for sale.

SEC. 54. *Regulations concerning tuberculous patients.*—(a) Whenever any person shall have been admitted for treatment to any county, joint county, or State tuberculosis sanitarium or hospital, and when such treatment shall have been given and such person instructed along sanitary lines to such an extent that the superintendent of such hospital or sanitarium shall deem it wise and proper for such person to take up his or her residence outside of such sanitarium or hospital, then such person may be provisionally released from such sanitarium or hospital, and such provisional release must be approved by the State health officer. At the time of such provisional release, such patient shall be furnished with 12 self-addressed and stamped cards on which shall be blanks for such information as may be required by the superintendent of such hospital or sanitarium. Immediately upon the provisional release of such person, he or she shall report to the county or city health officer having jurisdiction over the place where such patient takes up or maintains his or her residence, and shall return and report to such health officer on the 1st of each and every fiscal month for 12 fiscal months after the provisional release of such patient; and such health officer shall fill out, sign, and mail one of the cards mentioned herein, to the superintendent of the sanitarium or hospital from which such person was provisionally released. At the end of 12 fiscal months from the time of the provisional release, as provided herein, such person or patient shall be permanently released from such sanitarium or hospital, at the discretion of the superintendent, provided such permanent

release is approved by the State health officer: *Provided*, That no release, either provisional or permanent, shall be construed so that any person so released may not be returned to such sanitarium or hospital without being recommitted thereto, when in the opinion of the superintendent of such sanitarium or hospital, or any health officer within the State of Oregon, such action is necessary in the interests of public health.

(b) Any infraction of any of the laws of the State of Oregon relating to public health or of any of the sanitary rules and regulations of the State board of health, or any county or city board of health, by any person afflicted with tuberculosis and residing within the State of Oregon, shall be construed by the State, county, and city health officers as grounds for committing any such person for quarantine to any tuberculosis sanitarium or hospital receiving State or county aid within the State of Oregon.

(c) For the purpose of enforcing Oregon laws relating to public health and the rules and regulations of the State board of health, superintendents of the Oregon Tuberculosis Hospital, Eastern Oregon State Hospital, and the Oregon State Hospital for the Insane, are hereby deputized and declared to be deputy State health officers.

(d) All persons committed to any tuberculosis hospital or sanitarium within the State shall be treated for the disease and shall be given careful instruction upon sanitation and the communicability of the disease.

SEC. 58. *Regulations relating to public and private schools.*—(a) It shall be the duty of every teacher in any school, public or private, within the State of Oregon, to report forthwith to the principal or person in charge of such school, all facts relating to the illness and physical condition of any child in such a school who appears to be affected with a disease, presumably communicable. It shall be the duty of the principal or person in charge of every such school to report forthwith to the local health authorities all facts relating to the illness or physical condition of any child attending such school, who appears to be affected with any disease, presumably communicable, together with the name, age, and address of such child. Such child shall be at once sent home or isolated.

(b) It shall be the duty of the principal or other person in charge of any public, private, or Sunday school to exclude therefrom any child or other person affected with a disease presumably communicable until such child or other person shall have presented a certificate issued by the health officer, or by the attending physician and countersigned by the health officer, stating that such child or other person is not liable to convey infective material.

(c) No person affected with chickenpox, diphtheria, epidemic cerebrospinal meningitis, epidemic or septic sore throat, German measles, measles, mumps, poliomyelitis (infantile paralysis), scarlet fever, smallpox, trachoma, or whooping cough shall attend or be permitted to attend any public, private, or Sunday school, or any public or private gathering. Such exclusion shall be for such time and under such conditions as may be prescribed by the local health authorities, not inconsistent with the provisions of these regulations or the special rules and regulations of the State board of health.

(d) No person suffering from any communicable disease shall be employed as teacher or janitor in any school in this State. At the opening of each annual term, teachers and janitors must furnish a health certificate from a registered physician, addressed to the superintendent of schools for the municipality or district in which such teacher or janitor desires to be employed, certifying that such teacher or janitor is not affected with tuberculosis or any other communicable disease.

(e) All children in the State, county, or municipal hospitals or other institutions, whose mental and physical condition permits it, shall be given educational advantages.

SEC. 59. *Common carriers in relation to communicable diseases.*—(a) It shall be unlawful for any person knowing himself or herself to be afflicted with a dangerous communicable disease to use any public conveyance, street car, railroad car, or taxicab, and it shall also be unlawful for any person or persons to knowingly assist such afflicted person by the use of any such public conveyance, and such person shall be liable for punishment under this act.

(b) Whenever quarantine or closure or other measure is declared, all railroads, steamboats, or other common carriers, and the owners, consignees, or the assignees of any railroad, steamboat, stage, or other vehicle used for the transportation of passengers, baggage, or freight, shall submit to any rules or regulations imposed by the board of health or health officer; they shall submit to any examinations required by the health authorities respecting any circumstances or events touching the health of the crew, operatives, or passengers and the sanitary condition of the baggage or freight; and any owner, consignee, or assignee, or other person interested as aforesaid, who makes any unfounded statement or declaration respecting the points under examination, shall, upon conviction thereof before any court of [or?] justice of the peace having jurisdiction, be subjected to the penalties herein provided for the violation of the requirements of this act and the orders of the State, county, or municipal boards of health.

(c) Every county board of health shall have power to quarantine against any other county or counties or adjoining States, subject to approval of the State board of health, when any dangerous communicable disease is within such other county or State; it shall have authority to call all police officers, sheriffs, and constables and all county officers to enforce such quarantine, subject to the authority of the State health officer.

(d) Whenever there shall exist in the opinion of the State board of health imminent danger of the introduction of any dangerous communicable disease into the State of Oregon, by means of railroad, steamboat, or other communication with other States, the said State board of health is authorized and it is hereby made its duty to make, through its executive officer or some member of the board, or accredited inspector or agent, an inspection of all railroad cars, steamboats, or other conveyances coming into the State, at such points or between such points within the State limits as may be selected for this purpose.

Such inspection shall be made, where practical, during the ordinary detention of a train at a station, or while in transit between stations, or if a steamboat while in port, and in all cases shall be so conducted as to occasion the least possible detention or interruption of travel or inconvenience to the railroad companies or steamship companies, so far as consistent with the purposes of this act [sic].

(e) Should discovery be made of the existence among the passengers of any case or cases of dangerous communicable disease, the health officer or his agents or inspectors, under rules and conditions prescribed by the State board of health, as being applicable to the nature of the disease, shall have power to cause the sidetracking or detention of any car or cars so infected, or, if a steamboat, detain in port, to isolate the sick or remove them to a suitable place for treatment, to establish a suitable station, to cause the passengers and material in such infected car or steamboat to be subjected to disinfection and cleansing before proceeding farther into the State, and to offer free immunization in those diseases to which such prophylactic treatment is

applicable to all persons exposed in any car or at any station or port. Should any question arise as to the existence of any emergency, the State board of health shall have final jurisdiction.

(f) No common carrier or other person shall bring into the State of Oregon any person sick or suspected to be sick with Asiatic cholera, smallpox, yellow fever, typhus fever, diphtheria, membranous croup, scarlet fever, bubonic plague, or any other dangerous, contagious, or infectious disease.

(g) When any railway car, steamboat, sailing vessel, or other conveyance coming from a place or locality declared by the State board of health to be infected with cholera, smallpox, typhus fever, yellow fever, or bubonic plague, or having on board any person or persons affected with any of the above-named diseases, enters any port or place in the State of Oregon, such railway car, steamboat, sailing vessel, or other conveyance, and the crew, officers, passengers, baggage, merchandise, and freight shall be subject to such inspection and disinfection as may be ordered by the State board of health. The expense of such disinfection must be borne by the common carrier or persons bringing such disease into the State.

(h) If any person is found on any railway car, steamboat, sailing vessel, or other conveyance, who is sick or expected to be sick with any of the diseases named in above paragraph, he or she shall be removed by the health authorities within whose jurisdiction such person is found, and isolated and properly cared for until the termination of the disease; and the necessary expense of such isolation and care, if the person so removed is unable to pay the same, shall be a valid claim against and be refunded by the owners, agents, or assignees of the railway car, steamboat, or sailing vessel, or other conveyance from which said person or persons were removed.

(i) It shall be the duty of the conductor of any railway car, and of the master or pilot of any steamboat or sailing vessel, and of the driver of other conveyances, going into a place or port within the State of Oregon, to immediately notify, by telegraph, or telephone, the secretary of the State board of health of any case or suspected case of cholera, smallpox, yellow fever, typhus fever, or bubonic plague occurring on such train, conveyance, or vessel within the limits of the State of Oregon.

* * * * *

SEC. 61. *Regulations governing the sale of infected merchandise.*—Whenever any person, firm, corporation, or association shall have delivered any merchandise, such as clothing, wearing apparel of any description, hair goods, brushes, rubber goods, blankets, sheets, pillows, mattresses, bedding, or books, to any person or persons, firm, corporation, association, or institution no such first-mentioned firm, person, corporation, or association shall permit such goods, wares, or merchandise to be returned, nor shall same be again sold or intermingled with other goods, wares, or merchandise or be sold to another until such goods, wares, or merchandise shall have been first disinfected in accordance with section 64a of these rules and regulations.

SEC. 62. *Disposition of infected library books.*—Whenever any book shall be loaned from a public library or from a privately owned library through mistake to any person afflicted with any communicable disease or to a person living in a residence wherein such case of communicable disease occurs while said book is loaned the librarian or owner of such library shall report the facts to the health officer having jurisdiction, and such book shall be disinfected as provided in section 64 of these rules and regulations.

SEC. 63. *Rules for handling disinfection.*—This term means the destruction of infective agents in premises after the termination of quarantine or death

from a dangerous communicable disease. Disinfection which is not coupled with thorough renovation, scrubbing with soap and water, and the free admission of air and sunlight, and the destruction of all unnecessary clutter is useless, and in fact dangerous because of the creation of a strong odor resulting in a sense of false security. Disinfectant agents are varied, and the popularity of their usage depends upon the market price of materials employed. It is obvious that before disinfection or fumigation is resorted to no articles exposed to infection should be removed from the premises. The method of disinfection employed is decided upon by the contents of the room. Efforts should be made to minimize damage of costly or easily ruined articles. Attendants or recovered patients should not be released from quarantine until a disinfectant bath has been taken. Terminal disinfection is required in diphtheria, scarlet fever, septic sore throat, smallpox, anterior poliomyelitis, tuberculosis, erysipelas, glanders, anthrax, actinomycosis, and leprosy.

SEC. 64. *Fumigation or generation of disinfectant gases.*—(a) All cracks and air spaces in the room must be sealed with strips of paper. The room must be heated and pans of water placed on the stove to generate steam. If the room is heated with a steam radiator, steam must be permitted to escape into the room. Formaldehyde gas is useless unless coupled with heat and humidity. A 1-ounce paraform fumigating candle is ignited for every 500 cubic feet of air space. The time of fumigation should not be less than six hours. All closets, bureaus, and covered drawers, boxes, trunks, books, etc., must be freely exposed. All linens, bedding, dishes, and articles used by the patient should be boiled or immersed in disinfectant solution. In schoolhouses or buildings where stoves or furnaces are provided whereby water is converted into vapor a quart or more of formaldehyde may be poured into the water receptacle and allowed to vaporize into the sealed room.

(b) Five pounds of flour of sulphur are needed for every 1,000 cubic feet of air space. The room should be prepared in the same manner as for fumigation with formaldehyde gas. The sulphur is placed in a metal dish which rests on some bricks or stones in the bottom of a tub which contains water of sufficient depth to reach the bottom of the sulphur-containing dish. Enough denatured alcohol is poured upon the sulphur to moisten it when it is ignited. The fumigation period should not be less than 12 hours. Linens, cotton goods, dyed goods, and metals are injured by this method. This method is especially advantageous in the destruction of bedbugs, lice, vermin, mosquitoes, and rats.

SEC. 65. *Disinfection by application of chemical solutions.*—When fumigation is not advisable or where both fumigation and the application of antiseptic solutions are indicated the following methods may be employed:

(a) A 5 per cent solution (1 pint of 40 per cent formaldehyde to 19 parts of water) is very effective for soiled linen, bed clothing, utensils, and other articles used about the sick room. Thorough immersion and soaking is required. Flat surfaces, such as woodwork and furniture, are readily disinfected by washing with this solution.

(b) This should be used only under the direction of the health officer or physician. A 1 to 1,000 solution (2 teaspoonfuls bichloride of mercury and 2 teaspoonfuls of table salt to 1 gallon of soft water) is very effective for disinfection of sick-room articles. However, it should not be used for eating utensils or clothing stained with blood. Care should be taken that the solution is not thrown out upon the ground in order to prevent poisoning of fowls or stock.

(c) Used only under the supervision of the health officer, physician, or graduate nurse. A 3 per cent solution (1 pint concentrated carbolic acid

to 33 parts of water) is effective if used as described under formaldehyde solution, except that eating utensils should not be disinfected by this method.

For disinfection of excreta, sputum, and other discharges, bichloride of mercury should not be used, as it unites with and coagulates albuminous and organic matter. To secure effective disinfection use equal parts of infected material and thoroughly mix with either of the following solutions and allow to stand for one hour:

1. Ten per cent formaldehyde solution.
2. Five per cent carbolic acid.
3. Fresh unslaked lime.
4. Chlorinated lime.

If possible, cheap cloth or paper napkins should be used for the collection of discharges, so that they may be burned. If not burned they should be thoroughly boiled or soaked for one hour in either 5 per cent solution or formaldehyde or carbolic acid.

Dishes and other eating utensils should be immediately boiled after use. Remains of food should be burned.

Attendants should keep their heads covered at all times and washable gowns should be worn. A basin containing a 1 per cent solution of lysol, cresol, or tricresol should be close at hand and the attendants immediately sterilize their hands after handling the patient or infected sick-room articles. Attendants, when leaving the sick room or coming in contact with other people, should take a disinfectant bath in 1 per cent solution of lysol or cresol. Quarantine should not be lifted until the patient has had a disinfectant bath and dressed with fresh unexposed clothing.

Ophthalmia Neonatorum—Reports of Cases—Duties of Local Health Officers and State Board of Health. (Ch. 264, Act Mar. 1, 1919.)

SEC. 63. Should one or both eyes of an infant become inflamed or swollen or reddened at any time within two weeks after birth it shall be the duty of the attending physician, midwife, or nurse, or other person having the care of such infant, to report in writing within 24 hours after the discovery thereof to the health officer or to a legally qualified practitioner of the city, town, or district in which the mother of the child resides the fact that such inflammation or swelling or redness exists.

SEC. 64. That it shall be the duty of said health officer immediately upon receipt of said written report to notify the parents or the person having charge of said infant of the danger to the eye or eyes of said infant by reason of said condition from neglect of proper treatment of the same, and he shall also inclose to them directions for the proper treatment thereof.

SEC. 65. Every health officer shall furnish a copy of this act to each person who is known to him to act as midwife or nurse in the city or town from which such health officer is appointed, and the State board of health shall cause a sufficient number of copies of this act to be printed and supply the same to such health officer on application.

Tuberculosis—Reports of Cases—Change of Residence of Infected Person to be Reported—Disinfection. (Ch. 264, Act Mar. 1, 1919.)

SEC. 35. That any representative of a religious denomination, or any householder, or any nurse, parent, guardian, or other person attending or in any way having knowledge of the existence of a case of pulmonary tuberculosis, including the person afflicted therewith, must immediately report the same to the State board of health.

The names and addresses of all persons afflicted with pulmonary tuberculosis shall be recorded in the office of the State board of health, and it shall be unlawful for any person suffering from this disease to change his or her residence, or to be removed therefrom until the State board of health has been notified, so that [the] vacated residence may be fumigated.

SEC. 36. It shall be the duty of any physician or any representative of a religious denomination, or any householder, nurse, parent guardian, or other person having knowledge of a change of residence of any person afflicted with pulmonary tuberculosis to report the same to the State board of health.

SEC. 37. No furniture, bedding, or other materials used by a person afflicted with pulmonary tuberculosis shall be sold, delivered, or used by any other person until such furniture, bedding, or material has been fumigated. Fumigation or disinfection shall be in accordance with rules prescribed by the State board of health.

Veneral Diseases—Reports of Cases—Unlawful for Infected Person to Expose Others to Infection—Examination of Persons Suspected of Being Infected—Treatment—Isolation or Quarantine—Repression of Prostitution—Examination and Treatment of Prisoners—State Board of Health to Make Regulations—Advertisements—Sale of Medicine. (Ch. 264, Act Mar. 1, 1919.)

SEC. 56. That syphilis, gonorrhea, and chancroid, hereinafter designated as venereal diseases, are hereby declared to be communicable and dangerous to the public health. It shall be unlawful for anyone infected with these diseases or any of them to expose another person to infection.

SEC. 57. Any physician or other person who makes a diagnosis in or treats a case of venereal disease, and any superintendent or manager of a hospital, dispensary, or charitable or penal institution in which there is a case of venereal disease, shall make a report of such case to the health authorities in accordance with the rules and regulations of the State board of health.

SEC. 58. State, county, and municipal health officers, or their authorized deputies, within their respective jurisdictions, are hereby directed and empowered, when in their judgment it is necessary to protect the public health, to make examinations of persons reasonably suspected of being infected of [with] venereal disease, and to detain such persons until the results of such examinations are known; to require persons infected with venereal disease to report for treatment to a reputable physician and continue treatment until cured, or to submit to treatment provided at public expense until cured, and also, when in their judgment it is necessary to protect the public health, to isolate or quarantine persons infected with venereal disease. It shall be the duty of all local and State health officers to investigate sources of infection of venereal disease, to cooperate with the proper officials whose duty it is to enforce laws directed against prostitution, and otherwise to use every proper means for the repression of prostitution.

SEC. 59. All persons who shall be confined or imprisoned in any State, county, or city prison in the State shall be examined for and, if infected, treated for venereal diseases by the health authorities or their deputies. The prison authorities of any State, county, or city prison are directed to make available to the health authorities such portion of any State, county, or city prison as may be necessary for a clinic or hospital wherein all persons who may be confined or imprisoned in any such prison and who are infected with venereal disease, and all such persons who are suffering with venereal disease at the time of the expiration of their term of imprisonment,

and, in case no other suitable place for isolation or quarantine is available, such other persons as may be isolated or quarantined under the provisions of section 59 [58?] shall be isolated and treated at public expense until cured, or in lieu of such isolation any of such persons may, in the discretion of the board of health, be required to report for treatment to a licensed physician, or submit to treatment provided at public expense as provided in section 59 [58?]: *Provided*, That all persons treated voluntarily or otherwise at public expense shall remain under such parole for one year as required by the rules and regulations of the State board of health. Nothing herein contained shall be construed to interfere with the service of any sentence imposed by a court as a punishment for the commission of crime.

SEC. 60. The State board of health is hereby empowered and directed to make such rules and regulations as shall in its judgment be necessary for the carrying out of the provisions of this act, including rules and regulations providing for the control and treatment of persons isolated or quarantined under the provisions of section 58, and such other rules and regulations not in conflict with provisions of this act, concerning the control of venereal diseases, and concerning the care, treatment, and quarantine of persons infected therewith, as it may from time to time deem advisable. All such rules and regulations so made shall be of force and binding upon all county and municipal health officers and other persons affected by this act, and shall have the force and effect of law.

SEC. 61. That it shall be unlawful for any person, or persons, firm, corporation, or association, except boards of health, or agencies approved by the State board of health, to publish, deliver, or distribute, or cause to be published, delivered, or distributed in any manner whatever, or to permit placards or posters to be or remain on buildings or outhouses or premises controlled by him containing an advertisement concerning venereal disease, lost manhood, lost vitality, impotency, sexual weakness, seminal emissions, varicocele, self-abuse, or excessive sexual indulgence and calling attention to a medicine, article, or preparation that may be used therefor or to a person or persons from whom or an office or place at which information, treatment, or advice may be obtained.

SEC. 62. It shall be unlawful for any druggist or other person to sell any drug compound, or specific preparation of any kind used for, or reasonably intended to be used for, the cure or treatment of any venereal disease, except upon the prescription of a regularly licensed physician.

Venereal Diseases—Reports of Cases—Laboratory Examinations—Examination of Prostitutes—Instructions and Literature to be Given Patients—Infected Persons Not to Expose Others to Infection—Quarantine—Parole of Certain Persons—Prohibited Occupations—Issuance of Certificates of Freedom from Venereal Diseases—Information to be Confidential—Advertisements—Treatment by Physicians Only—Examination of Prisoners and Persons Suspected of Being Infected. (Reg. Bd. of H., Aug. 27, 1919.)

SEC. 49. Syphilis, gonorrhea, and chancroid infection are hereby declared to be dangerous, communicable diseases, and wherever the term "contagious," "infectious," or "communicable" occur in any regulations made and promulgated by this board, these diseases shall be considered as referred to by such regulation or regulations.

(a) Any person who shall treat or administer to by any means materially or immaterially, or prescribe for any person suffering from syphilis, gonorrhea, or chancroid infection, or any person suspected of suffering from such disease,

shall report such case in writing within 24 hours to the health officer in whose jurisdiction such case exists. All reports must be in writing and on the regular form supplied by the State board of health for the reporting of communicable, contagious, and infectious diseases. Cases may be reported by name or by serial number, but when reported by serial number, the person treating the case must keep a record of his or her case whereby the person indicated by such number may be identified. Specimens sent in for examination are not to be considered as a report of the disease.

(b) Persons treating those suffering from any disease mentioned in section [49] (a) must make careful inquiry as to the source of the infection, and when such source can be ascertained, the facts pertaining thereto shall be stated in the report of the case to the health officer having jurisdiction. These reports, together with the report as to the source of infection, must be forwarded to the State health officer as provided for in regard to other communicable diseases.

(c) Diagnosis in every instance must be confirmed by laboratory examination in a laboratory approved by the State board of health. All laboratories making these examinations must submit to the State board of health within three months after the filing of these regulations a statement showing the capacity of such laboratory for making Wassermann tests and the facilities and appliances available in making such tests, and shall receive from the State board of health a certificate or letter of approval when such equipment and capacity meets with the approval of the State board of health. The State board of health shall make free Wassermann and gonorrhea examinations for the physicians of the State in places where no approved laboratory exists and for patients not having funds to pay for such examination. In making such examinations, specimens shall be taken as provided in these regulations for both gonorrhea and syphilis.

(d) All health officers must investigate wherever and whenever they have reason to suspect that cases of syphilis or gonorrhea or chancroid infection exists within their respective jurisdiction, and such investigation shall include the submission of specimens to an approved laboratory for examination. Owing to the prevalence of syphilis, gonorrhea, and chancroid infection among prostitutes, the prostitutes shall be considered as suspected of suffering from such infection and be subject to examination by a health officer.

(e) Whenever a case of syphilis or gonorrhea or chancroid infection is under the care of a legally qualified and licensed physician, such physician shall, in addition to reporting the case as provided in section [49] (a) of these regulations, instruct the patient as to the communicability of the disease; that he is required by law to refrain from any act that may transmit the disease to another, and to give such person literature relative to such disease as shall be provided by the State board of health, the United States Public Health Service, and the Oregon Social Hygiene Society.

(f) Whenever any person suffering from syphilis or gonorrhea or chancroid infection, who has been under the care of any physician goes to another physician for treatment, he or she shall inform the second physician of the name and address of the physician under whose care he or she has been, and if known, the name, initials, or number under which his or her case has been reported to the health officer. The physician to whom such infected person applies for treatment shall immediately report the case to the health officer having jurisdiction, in the same manner as though he or she had not been treated by another physician, and in addition he shall indicate the name and address of the previous attending physician, and if known, the name and serial number under which the case was reported.

(g) When specimens are submitted to a laboratory for examination for syphilis or gonorrhea infection, they must be submitted under the name or serial number used in reporting the case to the health officer. When the examination is completed, the laboratory shall mail to the health officer having jurisdiction a copy of the report made to the attending physician, and such report shall be attached to and become a part of the report of the case on file in the health office.

(h) All persons suffering from syphilis or gonorrhea or chancroid infection shall report to the attending physician as directed by him, and no such person shall expose another to infection by any means whatsoever; or when, in the opinion of the regular health officer or of the State health officer, the occupation or environment of such infected person is such as to facilitate the transmission of infection to others, then the health officer shall place such infected person under quarantine in such proper place to be designated by such health officer, subject to the approval of the State health officer. No person in quarantine on account of syphilis or gonorrhea or chancroid infection shall leave the premises in which he or she may be quarantined until the quarantine shall be raised by the health officer having jurisdiction: *Provided*, That this section shall not be construed as limiting other and more stringent measures in cities of the first class, or the right of authorities to designate the place of quarantine.

(i) All persons who have active lesions of syphilis in such a place upon their bodies so that it may be easily transmitted by the touch or handling of foodstuffs, utensils, towels, etc., and all persons who have active lesions of syphilis within the mouth or upon the lips, shall be quarantined by the health authorities having jurisdiction.

(j) No person shall be released from quarantine on account of syphilis or gonorrhea or chancroid infection until the health officer having jurisdiction shall have satisfied himself by a physical examination of the infected person, and laboratory investigation and tests that the quarantined person is no longer capable of infection: *Provided*, That no person shall be released from quarantine on account of gonococci infection until at least three specimens submitted to an approved laboratory shall have been free from gonococci, and not less than 48 hours shall have passed between the taking of any two specimens; and no cases in quarantine on account of syphilis shall be released from quarantine except with the approval of the State health officer.

(k) Any person who may have been released from quarantine within the provision of section [49] (j) of these regulations who subsequently may be found to have become reinfected with either syphilis or gonorrhea, or who may have relapses from the previous infection with either or both of these diseases shall be detained in quarantine in the same manner as though such infection were a primary attack of such disease or diseases.

(l) All persons who shall be treated at public expense or who shall take treatment as provided in sections 58 and 59 of chapter 264 of the General Laws of Oregon for 1919, shall remain under parole for not less than one year to some person designated and approved by the State board of health. If at any time such paroled person shall conduct himself in a disorderly manner, or shall break or transgress any of the lawful rules and regulations of the State board of health, or lawful ordinances of any city or town, or any of the laws of the State of Oregon, then such person shall be deemed guilty of having broken his or her parole, and shall be punished as provided in section 149 [of chapter 264] of the General Laws of Oregon for 1919. Every person paroled

as provided herein shall be furnished a card giving the name and address of the person paroled and the person to whom such person is paroled, together with a copy of this section, and shall be required to report to the person designated for receiving such report at the same time and in the manner as provided on such card. No paroled person shall leave the city, town, or community where paroled without the written consent of the State health officer.

(m) When any case of syphilis, or gonorrhea, or chancroid infection is reported to any State or county health officer, or when he shall receive any report from any laboratory regarding any such case, such health officer shall immediately make a correct copy of such report and forward same to the State health officer.

(n) No person suffering from syphilis, or gonorrhea, or chancroid infection shall commit any act which exposes any other person to infection with either of these diseases.

(o) No person afflicted with syphilis, or gonorrhea, or chancroid infection shall be employed in the preparation, manufacture, or handling of milk, milk products, or any other foodstuffs, nor shall any such person be engaged in the care or nursing of children or of the sick; nor shall any such person be engaged in any occupation the nature of which is such that his or her infection may be transmitted to others.

(p) Owing to the fact that infection with syphilis, or gonorrhea, or chancroid infection may be acquired immediately after examination, no health officer shall accept any certificate from any physician whatsoever, stating that the person suspected of suffering from any disease mentioned in these regulations [sic], as evidence that such person is not so infected. Nor shall any health officer, upon releasing any person from quarantine on account of either of the diseases mentioned in these regulations, give such person a statement that he or she is free from either of any of such diseases.

(q) All health officers shall take every precaution to prevent the information contained in reports of cases of syphilis, or gonorrhea, or chancroid infection being made public, and shall refuse to permit any person to see such records or to divulge any information contained therein, except in cases provided by law.

(r) No person shall advertise or publish any advertisement intended to imply or to be understood that he will restore manly vigor, treat or cure lost manhood, lost power, stricture, gonorrhea, chronic discharges, varicocele, or syphilis. No person shall advertise any medicine, medical preparation, remedy, or prescription for any of the ailments or diseases enumerated in this section. No owner or managing officer of any newspaper shall print or permit to be printed any such advertisement as described in this section. It shall be unlawful for any person or persons, firm, corporation or associations, except boards of health or agencies approved by the State board of health to publish, deliver, or distribute, or cause to be published, delivered, or distributed in any manner whatsoever, any newspaper advertisement or any printed or written matter calling attention or giving prominence to any medicine, article, or thing to be used as a cure for venereal diseases, or to any person who can cure any of the acute diseases of men or any of the diseases mentioned in these regulations.

(s) No person shall treat or diagnose or prescribe for venereal diseases, or any one of them, unless he or she shall first have obtained a license to practice medicine, as provided by law within the State of Oregon.

(t) All municipal and county boards of health shall maintain one or more physicians, or internes, at the municipal and county jails or prisons within their respective jurisdictions, who shall be deputy county or city health offi-

cers, as the case may be, and whose duties shall include the examination for venereal diseases of all persons arrested on account of lewd, indecent, or immoral conduct, or soliciting men for immoral purposes upon streets or highways or in or from any building, or prostitution or unlawful cohabitation, or crimes against nature, or sexual perversion. Such physicians or internes shall examine, in addition to those above mentioned, all persons whom he [they] may have reason to suspect of having any venereal disease and, also, all persons convicted, confined, or imprisoned within any county or municipal jail or prison within their respective jurisdictions, for any offense whatsoever. **All trained and registered nurses and nurses in attendance at such jails or prisons may be deputized, authorized, and directed to take laboratory specimens and smears from women coming within the provisions of this regulation, when, in the opinion of the jurisdictional health officer or his lawfully authorized deputy, such nurse or nurses shall be so authorized, deputized, or directed as provided herein. County and municipal health officers are held accountable for the strict enforcement of this regulation.**

State Tuberculosis Hospital—Admission of Patients. (Ch. 371, Act Mar. 4, 1919.)

SECTION 1. That section 21 of chapter 342, General Laws of Oregon for 1913, be, and the same is hereby, amended to read as follows:

SEC. 21. Subject to the conditions hereinafter contained, any citizen of this State suffering from tuberculosis may gain admission to the Oregon State Tuberculosis Hospital upon presenting to the superintendent of the said institution a certificate from the county judge of the county of which the applicant is a resident stating that said applicant has been a resident of the State for the period of time required by this act and is suffering from tuberculosis, and by complying with the rules and regulations of the said institution as prescribed by the State board of health and the Oregon State Board of Control.

The applicant must be without means with which to secure proper care and treatment elsewhere: *Provided*, That if by any act of Congress or ruling or regulation of the Bureau of War Risk Insurance, or other similar department, provision is now, or may be hereafter, made for defraying or contributing to the payment of the expenses of the care or treatment of any returned soldier, sailor, marine, or other person who has been in the military or naval service of the United States, such returned soldier, sailor, or marine, or other person who has served in the military or naval service of the United States, may be admitted to said institution under such provisions or regulations as may be agreed upon by the State board of control and the Bureau of War Risk Insurance or other similar department. No person shall be admitted to the Oregon State Tuberculosis Hospital unless he shall have been a resident of the State for at least one year immediately preceding his admission: *Provided, however*, That when any family has established a bona fide residence in the State of Oregon and some member of such family contracts or develops tuberculosis under such circumstances and conditions that the person so afflicted is exposing other members of the family, thereby constituting a menace to the public health, the person so afflicted, if otherwise entitled thereto, may be admitted to said institution upon obtaining a certificate from the State health officer showing the conditions aforesaid to exist, even though such person has not resided within the State of Oregon the full period of one year.

The traveling and other necessary expenses incurred in enabling any person certified for admission to the Oregon State Tuberculosis Hospital to reach said institution or return therefrom, the expenses incurred in the purchase of

necessary personal effects for such patient while at said institution, and burial expenses in case of death, shall be paid by the county of which such person is a resident at the time of his admission to said institution. When any person has been admitted to said institution on the assumption that he is without means with which to secure proper care and treatment elsewhere, and thereafter dies an inmate of such institution, leaving property which would be distributed either by the will of such decedent or by the laws of descent and distribution among persons who are nonresidents of the State of Oregon, or among residents of the State of Oregon not related to said decedent, the State board of control is authorized to present to the estate of such decedent a claim for the care and treatment of such decedent at the Oregon State Tuberculosis Hospital in such reasonable amount as shall be approved by the judge of the court in which [the] estate is administered.

State Tuberculosis Hospital—Admission of Patients—Duties of Superintendent. (Ch. 264, Act Mar. 1, 1919.)

SEC. 33. The Oregon State Tuberculosis Hospital, situated near the city of Salem, county of Marion, shall be used for the treatment of such tubercular patients as have been or may hereafter be committed to its care and custody. The superintendent of said hospital shall be a well-educated physician. He shall appoint a matron who shall receive \$1,200 per annum, who shall reside at the hospital, and who shall be furnished with room, board, heat, and light. The superintendent shall see that the said hospital is maintained as similar institutions are maintained, and he shall, whenever called upon by the board, render such information as may be of value to the public concerning the general treatment of tuberculosis, or the work of the hospital, and he shall cooperate with the State board of health and other public bodies and officials in the dissemination of knowledge or information relative to tuberculosis and its treatment. The superintendent shall from time to time discharge such patients as, in his judgment, are properly fit to be discharged.

SEC. 34. Any citizen of this State suffering from tuberculosis and being without means with which to secure proper care and treatment may gain admission to the Oregon State Tuberculosis Hospital upon presenting to the superintendent of the said institution a certificate from the county judge of the county of which applicant is a resident, stating that said applicant has been a resident of the State for at least a year immediately preceding and is suffering from tuberculosis, and by complying with the rules and regulations of the said institution as prescribed by the State board of health and the "Oregon State Board of Control."

The actual traveling expenses of all such persons suffering from tuberculosis, who may wish to reach the State tuberculosis hospital and are without funds, shall be paid by the county of which he is a resident.

District Tuberculosis Hospitals—Establishment, Maintenance, and Operation. (Ch. 264, Act Mar. 1, 1919.)

SEC. 47. The county boards of commissioners of any contiguous counties, not to exceed five, may form themselves into a joint board for the purpose of establishing and maintaining a district hospital for the care and treatment of persons suffering from tuberculosis. The county board of each county desiring to unite for such purposes may appoint three persons, and all persons so appointed shall constitute a joint committee to obtain a site and erect the necessary buildings thereon, and the powers and duties of such a joint committee

shall terminate when the buildings are erected and ready for occupancy. In the selection and acquirement of such site the joint board shall have the same powers as the county board of commissioners. They may receive and hold in trust for the use and benefit of such institution any grant or devise of land and any donation or bequest of money or other personal property that may be made for the establishment and support thereof.

SEC. 48. Before such joint committee, proposing to erect such an institution, shall proceed to the construction of such an institution, it shall cause complete plans, drawings, and specifications for the buildings of such institution to be prepared and submitted to the State board of health for its approval. No buildings shall be constructed until after the site has been approved by the State board of health. After the plans, drawings, and specifications have been approved by the State board of health, the joint committee may proceed with the construction of the buildings for such institution.

SEC. 49. At the time or before the completion of such district hospital the joint boards shall elect a board of managers to consist of 1 member of each county represented. The terms of such managers shall be as follows: One for 1 year, one for 2 years, and where 3 counties are represented, one for 3 years, one for 4 years if 4 counties are represented, and one for 5 years if 5 counties are represented, and annually thereafter the board of county commissioners of any county in which the term of manager or managers expires shall appoint such manager or managers for a term of as many years as there are counties represented, and until his or their successors are elected and qualified. Any vacancy shall be filled by an election in like manner for the unexpired term of the original appointment. The board of county commissioners of any county may remove any manager for good and sufficient cause.

SEC. 50. Such managers shall serve without compensation, except that they shall receive their actual expenses incurred in the performance of their duties. The managers shall have the same powers and duties as those defined for the board of managers of a county hospital.

SEC. 51. The first cost of the tuberculosis hospital, including the cost of equipment and the cost of improvements and additions thereto, shall be paid by the counties comprising the district in proportion to the taxable property of each county as shown by their respective tax rolls.

SEC. 52. The superintendent shall prepare a quarterly statement, which shall be approved by the board of managers, showing the daily cost for the current expense of maintaining such hospital, including the cost of the ordinary repairs, and each county in the district shall pay its share of such cost as determined by the number of days the total number of patients from such county have spent in the hospital during the quarter, but the sum paid by the patients from such county for their treatment therein shall be deducted from this amount. The county boards of commissioners of counties jointly maintaining a district hospital for tuberculosis shall make annual assessments of taxes sufficient to support and defray all necessary expenses of such hospital.

SEC. 53. All taxes levied by the county board of commissioners of any county under the provisions of this law shall, when collected, be paid over to the treasurer of the district tuberculosis hospital by the treasurers of the joint counties, and the treasurer of said board of managers shall receipt therefor and shall create a fund to be known as the "tuberculosis hospital fund," and thereupon said funds may be disbursed by said board of managers for the use of said district tuberculosis hospital and accounted for as provided in the foregoing sections. The treasurer of the board of managers shall give a bond for the faithful performance of his duties in such sum as may be fixed by the managers, the expenses of such bond to be paid out of the fund for the main-

tenance of the hospital. The bond of such treasurer shall be filed with the county clerk of the county in which such institution is located.

SEC. 54. Said board of managers shall meet at the tuberculosis hospital monthly and at such other times as they may deem necessary. They shall annually file with the joint committee a report of their proceedings with reference to such district hospital and a statement of all receipts and expenditures during the year, and at such times shall certify to the county boards of the different counties the amount necessary to maintain and improve the hospital for the ensuing year.

SEC. 55. The provisions of sections 43, 44, and 45 of this act, in so far as they relate to applications for admission, medical examinations, and pay patients, and as subject to rules and regulations of the State board of health, shall be applicable in all cases where joint tuberculosis hospitals are erected and maintained.

County Tuberculosis Hospitals—Establishment, Maintenance, and Operation—Appointment and Duties of Visiting Nurses. (Ch. 264, Act Mar. 1, 1919.)

SEC. 38. The board of county commissioners of any county in this State shall have power by a majority vote to establish a county hospital for the care and treatment of persons suffering from the disease known as tuberculosis. The board of commissioners of any county may submit the question of establishing such a hospital to the voters of the county at any general election at which public officers are elected. The board of commissioners shall fix the sum of money deemed necessary for the establishment of said hospital. The form of the proposition shall read as follows: "Shall the county of _____ appropriate the sum of _____ dollars for the establishment of a tuberculosis hospital?" The notices of the general election shall state that the proposition will be voted upon and in the form set forth. Provision for taking such vote and for canvassing and returning of the result shall be made by the duly constituted election authorities.

If a majority of the voters voting on such proposition shall vote in favor thereof, then such hospital shall be established hereunder and the sum of money needed in said proposition shall be deemed appropriated, and it shall be the duty of the board of county commissioners to proceed forthwith to exercise the powers and authority conferred upon it in this section.

When the board of county commissioners of any county shall have voted to establish such hospital, or when a referendum on the proposition of establishing such a hospital in the county as authorized above shall have been carried, the board of county commissioners shall have the following powers:

(1) To purchase or lease real property therefor, or acquire such real property and easements therein, by condemnation proceedings in the manner prescribed by law to regulate the ascertainment or payment of compensation for property condemned or taken for public use.

(2) To erect all necessary buildings and alter any buildings on the property when acquired for the use of said hospital: *Provided*, That the plans for such erection or alteration shall first be approved by the State board of health.

(3) To cause to be assessed, levied, and collected such sums of money as it shall deem necessary for suitable lands, buildings, and improvements for said hospital, and for the maintenance thereof, and for all other necessary expenditures thereof; and to borrow money for the erection of such hospital and for the purchase of a site thereof on the credit of the county, and issue county obligations therefor in such manner as it may do for other county purposes.

(4) To employ visiting nurses whose duties shall be as follows: To discover and investigate any tuberculosis cases existing in such county; to give instruction to tuberculosis patients and others in such county relative to hygienic or sanitary measures to be observed in preventing the spread of such disease; to act as visiting nurses throughout the county and to perform such other duties as nurses and hygienic experts as may be assigned to them by the county board in accordance with the rules and regulations of the State board of health; to report communicable diseases of which they have any knowledge to the county authorities and to the State board of health; and to perform such other duties as may be designated by such board of county commissioners: *Provided*, That in counties where there are no county tuberculosis hospitals, the board of county commissioners may also have the power to employ such nurse or nurses. Such visiting nurse shall at the end of each month make a report in writing to the county clerk, which report shall show the visits made during the month then ending and the requests made to her for services, and such other information as the county board may from time to time require.

(5) To appoint a board of managers for said hospital as hereinafter provided.

(6) To accept and hold in trust for the county any grant or devise of land, or any gift or bequest of money or other personal property, or any donation to be applied, principal or income, or both, for the benefit of said hospitals [sic] and apply the same in accordance with the terms of the gift.

SEC. 39. When the board of county commissioners shall have determined to establish a hospital for the care and treatment of persons suffering from tuberculosis, and shall have acquired a site therefor, and shall have awarded contracts for the necessary buildings and improvements thereon, it shall appoint three citizens of the county, of whom at least one shall be a practicing physician, who shall constitute a board of managers of said hospital. The term of office of each member of said board shall be three years, and the term of one of such managers shall expire annually; the first appointment shall be made for the respective terms of three, two, and one years. Appointments of successors shall be for the full term of three years, except that appointment of persons to fill vacancies by death, resignation, or other cause shall be made for the unexpired term. Failure of any manager to attend three consecutive meetings of the board shall cause a vacancy in his office, unless said absence is excused by formal action of the board of managers. The managers shall receive no compensation for their services, but shall be allowed their actual and necessary traveling and other expenses, to be audited and paid in the same manner as the other expenses of the hospital by the board of commissioners. Any manager may at any time be removed from office by the board of commissioners of the county, for cause, after an opportunity to be heard.

SEC. 40. The board of managers (1) shall elect from among its members a president and vice president. It shall appoint a superintendent of the hospital, who shall be also the treasurer and secretary of the board and shall hold office at the pleasure of said board. Said superintendent shall not be a member of the board of managers, and shall be a graduate of an incorporated medical college, with an experience of at least three years in actual practice of his profession.

(2) Shall fix the salaries of the superintendent and all other officers and employees within the limits of the appropriation made therefor by the county commissioners and such salaries shall be compensation in full for all services rendered.

(3) Shall have the general superintendence, management, and control of said hospital, or the grounds, buildings, officers and employees there, of the inmates therein, and of all matters relating to the government, discipline, contracts, and fiscal concerns thereof, and make such rules and regulations as may seem to them necessary for carrying out the purposes of such hospital subject to the approval of the State board of health.

(4) Shall maintain an effective inspection of said hospital and keep itself informed of the affairs and management thereof; shall meet at the hospital at least once in every month, and at such other times as may be prescribed in the by-laws; and shall hold its annual meeting at least three weeks prior to the meeting of the board of county commissioners at which appropriations for the ensuing year are to be considered.

(5) Shall keep in a book provided for that purpose a proper record of its proceedings, which shall be open at all times to the inspection of its members, to the county commissioners, and to duly authorized representatives of the State board of health.

(6) Shall certify all bills and accounts, including salaries and wages, and transmit them to the county commissioners, who shall provide for their payment in the same manner as other charges against the county are paid.

(7) Shall make to the county commissioners annually, at such time as said commissioners shall direct, a detailed report of the operations of the hospital during the year, the number of patients received, the methods and results of their treatment, together with suitable recommendations and such other matters as may be required of them; and full and detailed estimates of the appropriations required during the ensuing year for all purposes, including maintenance, the erection of buildings, repairs, renewals, extensions, improvements, betterments, or other necessary purposes.

(8) Shall, notwithstanding any other general or special law, erect all additional buildings found necessary after the hospital has been placed in operation, and make all necessary improvements and repairs within the limits of the appropriations made therefor by the county commissioners: *Provided*, That the plans for such additional buildings, improvements, or repairs shall first be approved by the State board of health.

Sec. 41.¹ The superintendent shall be the chief executive officer of the hospital and subject to the bylaws, rules and regulations thereof, and to the power of the board of managers:

(1) Shall, (be) subject to the approval of the board of managers, equip the hospital with all necessary furniture, appliances, fixtures and other needed facilities for the care and treatment of patients and for the use of officers and employees thereof, and shall in counties where there is no purchasing agent purchase all necessary supplies.

(2) Shall have general supervision and control of records, accounts and buildings of the hospital and all internal affairs, and maintain discipline therein, and enforce compliance with, and obedience to all rules, bylaws and regulations adopted by the board of managers for the government, discipline and management of said hospital and the employees and inmates thereof. He shall make further rules, regulations and orders as he may deem necessary, not inconsistent with law, or with the rules, regulations and directions of the board of managers.

(3) Shall, with the consent of the board of managers, appoint such resident officers and such employees as he may think proper and necessary for the efficient performance of the business of the hospital, and prescribe their duties; and may discharge any such officer or employee at his discretion.

¹ This is an exact copy of the section as printed in the session laws.

(4) Shall keep or cause to be kept proper accounts and records of the business and operations of the hospital in books and on records provided for that purpose, and see that such accounts and records are correctly made up for the annual report to the board of county commissioners as required by subdivision (7) of section 41, and shall present the same to the board of managers, who shall incorporate them in their report to said commissioners.

(5) Shall receive into the hospital in the order of application any resident found to be suffering from tuberculosis in any form. Said superintendent shall keep or cause to be kept proper accounts and records of the admission of all patients, their name, age, sex, color, marital condition, residence, occupation and last place of employment, reporting same to the State board of health, according to the rules and regulations of said board.

(6) Shall cause a careful examination to be made of the physical condition of all persons admitted to the hospital and provide for the treatment of each such patient according to his needs; and shall cause a record to be kept of the condition of each patient when admitted, and from time to time thereafter.

(7) Shall discharge from said hospital any patient who shall wilfully or habitually violate the rules thereof; or who is found not to have tuberculosis; or who is found to have recovered therefrom; or who for any other reason is no longer a suitable patient for treatment therein.

(8) Shall collect and receive all moneys due to the hospital, keep an accurate account of the same, report the same at the monthly meeting of the board of managers, and transmit the same to the treasurer of the county within 10 days after such meeting.

(9) Shall before entering upon the discharge of his duties give a bond in such sum as the board of managers may determine to secure the faithful performance of such duties.

SEC. 42. Any resident of the county in which the hospital is situated desiring treatment in such hospital may apply in person to the superintendent or to any reputable physician for examination, and such physician, if he finds that said person is suffering from tuberculosis in any form, may apply to the superintendent of the hospital for his admission. Blank forms for such application shall be provided by the hospital and shall be forwarded by the superintendent thereof gratuitously to any reputable physician in the county upon request. So far as practicable, application for admission to the hospital shall be made upon such forms. The superintendent of the hospital upon receipt of such applications, if it appears therefrom that the patient is suffering from tuberculosis, and if there be a vacancy in the said hospital, shall notify the person named in such application to appear in person at the hospital. If upon personal examination of such patient, or of any person applying in person for admission, the superintendent is satisfied that such person is suffering from tuberculosis, he shall admit him to the hospital as a patient. All such applications shall state whether, in the judgment of the physician, the person is able to pay in whole or in part for his care and treatment while at the hospital; and every application shall be filed and recorded in a book kept for that purpose in the order of their [its] receipt. When said hospital is completed and ready for the treatment of patients, or whenever thereafter there are vacancies therein, admission to said hospital shall be made in the order in which the names of applicants shall appear upon the application book to be kept as above provided, in so far as such applicants are certified to by the superintendent to be suffering from tuberculosis. No discrimination shall be made in the accommodation, care, or treatment of any patient because of the fact that the patient or his relatives contribute to the cost of his maintenance in whole or in part, and no patient shall be permitted to pay for his maintenance in such hospital

a greater sum than the average per capita cost of maintenance therein, including a reasonable allowance for the interest on the cost of the hospital; and no officer or employee of such hospital shall accept from any patient thereof any fee, payment, or gratuity whatsoever for his services.

SEC. 43. Whenever a patient has been admitted to said hospital from the county in which the hospital is situated, the superintendent shall cause such inquiry to be made as he may deem necessary as to his circumstances and of the relatives of such patient legally liable for his support. If he finds that such patient or said relatives are able to pay for his care and treatment, in whole or in part, an order shall be made directing such patient or said relatives to pay to the treasurer of such hospital for the support of such patient a specified sum per week, in proportion to their financial ability, but such sum shall not exceed the actual per capita cost of maintenance. If the superintendent finds that such patient or said relatives are not able to pay, either in whole or in part, for his care and treatment in such hospital, said patient shall be admitted free of charge.

SEC. 44. Any resident of the State of Oregon living outside of [a] county maintaining a tuberculosis hospital may apply for treatment, or any city, village, or county may apply on behalf of its charges, and the same may be provided for under a stipulated agreement by the party, municipality, or county to pay a weekly sum designated by the board of managers of such hospital, but nonresidents of a county shall not be provided for to the exclusion of residents of said county.

SEC. 45. The resident officer of the hospital shall admit the managers into every part of the hospital and the premises and give them access on demand to all books, papers, accounts, and records pertaining to the hospital, and shall furnish copies, abstracts, and reports whenever required by them. All hospitals established or maintained under the provisions of this act shall be subject to inspection by any duly authorized representative of the State board of health.

SEC. 46. Whenever a hospital for the care and treatment of persons suffering from tuberculosis exists in connection with or on the grounds of a county almshouse, the county commissioners may after this act takes effect appoint a board of managers for such hospital, and such hospital and its board of managers shall thereafter be subject to all the provisions of this act in like manner as if it had been originally established hereunder. Any hospital for the care and treatment of tuberculosis which shall hereafter be established by any board of county commissioners shall be subject to all provisions of this act. No hospital authorized under the provisions of this act shall hereafter be located on the grounds of an almshouse.

Hospitals, Hotels, and Sanatoria—Sanitary Regulation. (Reg. Bd. of H., Aug. 27, 1919.)

SEC. 68. (a) The food shall be abundant in quantity and of a quality that will insure the proper nourishment of the body and suitable for the person for whom it is prepared.

(b) The water must be free from contamination, and presence of colon bacilli will be considered prima facie evidence of contamination.

(c) The beds must be comfortable and clean, and in no instance shall more than one patient be allowed to occupy one bed.

(d) Ventilation shall be provided so that each person shall have 3,000 cubic feet of air per hour.

(e) Barns or stables must not be within 200 feet of the hospital, hotel, or sanitarium, and the manure must be removed at frequent intervals or kept in a screened box and disinfected with an acceptable insecticide.

(f) Screens must be provided on all of the windows and doors of any room or ward in which anyone is ill of any disease whatever. The windows and doors of all dining rooms must be screened to provide for the exclusion of flies.

(g) One or more bathtubs must be provided in every institution sufficient to provide for bodily cleanliness of all guests or patients.

(h) The use of a roller towel is forbidden, particularly in any case where there is any eruptive or communicable skin disease.

(i) It is recommended that there be provided isolation rooms in which each patient shall be confined for a period of at least two weeks to prevent epidemics of contagious diseases.

(j) All buildings of more than one story in height must be fitted with one or more outside stairways, chutes, or fire escapes to provide for the rapid emptying of the building in case of fire.

(k) Rooms used for sitting rooms, or rooms in which patients are confined except while in bed, must be heated in winter sufficiently to insure bodily comfort for the patients.

(l) In hospitals, sanitarium, and hotels having no sewer connections the use of a septic tank is recommended. Where this is impossible, a dry-earth closet may be used where the excreta shall be covered with dry earth or ashes to which is added 1 per cent of Paris green.

(m) All pools of stagnant water must be drained, or, if this is not possible, covered at least three times a year with crude oil to prevent the breeding of mosquitoes.

(n) Patients must in all instances be kindly cared for, and punishment of a corporal nature is absolutely forbidden.

Hospitals and Other Institutions—Reports by, of Certain Information Required. (Reg. Bd. of H., Aug. 27, 1919.)

SEC. 57. All superintendents or managers or other persons in charge of hospitals, almshouses, lying-in or other institutions, public or private, to which persons report for treatment of diseases, confinement, or are committed by process of law, are hereby required to make a record of all personal or statistical particulars relative to the inmates in their institutions. This record shall contain the name, age, sex, and race of such individual, the date of admission and the date of removal, together with the reason therefor, such as death, change of hospital, or cured, etc. This record shall not be considered as a physician's report of the case to the State registrar or local registrar, and a copy of such report shall be forwarded on the first day of each and every month to the State registrar, and by him shall be bound and filed in addition to the physician's report in his office.

Hospitals for Mental Defectives and Poor Farms—Inspection—State Board of Health to Prescribe Rules for Management and Conduct—Reports by—Issuance of Certificates to. (Ch. 264, Act Mar. 1, 1919.)

SEC. 81. All hospitals, sanatoria, and poor farms, whether public or private, incorporated or unincorporated, where insane or feeble-minded or idiotic or dependent people are confined or maintained shall be, and the same are hereby, declared to be subject to visitation and inspection by the State board of health at such times and in such manner as the State board of health may designate.

SEC. 82. The State board of health is empowered and it is hereby made its duty to prescribe such rules and regulations for the management and conduct of all institutions named or designated in section 81 of this act as it may deem necessary for the best interests of the State.

SEC. 83. It shall be, and is hereby declared to be, the duty of all owners, proprietors, lessees, boards of management, boards of trustees, or whomsoever may have the management, direction, and control of an institution named or designated in section 81 of this act to make annual reports to the State board of health in such form as the rules of the said board may require. A summary of these reports shall be covered by the State board of health in its biennial report.

SEC. 84. On or before 30 days from the date of this act shall become effective all owners, proprietors, lessees, boards of management, boards of trustees, or whomsoever may have the management, direction, and control of such institution named or designated in section 87 [81?] of this act shall file with the State board of health such a report as may be called for by the said board. Whereafter the said board may, in its discretion, issue a certificate to such institution permitting it to be conducted and operated in accordance with the provisions of this act and until such time as the board may deem it necessary for good cause shown to revoke and cancel such certificate and permission. Should any such institution be so conducted as not to be entitled to said certificates [sic] as above provided for, it shall cease to be operated until such time as it shall meet with the rules and requirements of the State board of health and shall have been granted a certificate as heretofore provided for.

Certain Benevolent or Charitable Institutions—Applications by, for State Aid.
(Reg. Bd. of H., Aug. 27, 1919.)

SEC. 56. Any of the institutions mentioned in sections 61 and 71 of chapter 264 of the general laws of Oregon for 1919 desiring to secure State aid as provided by law shall first file formal application with the Oregon State Board of Health. Such application shall contain the name of the institution, the name of the person in charge of same, a list of the names of all officers, trustees, stockholders, and sponsors of and for the same; the names of all physicians devoting their services to such institutions; the number of nurses employed; and the average number of monthly inmates during the 12 months next preceding the date of the filing of such application. In addition to such information, a financial statement shall accompany such application, and such institution shall agree to abide by all rules and regulations of the State board of health.

Maternity Homes—Defined—Licenses—Placing of Children by. (Ch. 405, Act Mar. 4, 1919.)

SEC. 5. Commercial lying-in or maternity homes shall be defined and regulated as follows:

SUBSECTION 1. As used in this act, a lying-in or maternity home shall be held to mean a house or other place maintained and conducted for the care and treatment of women during pregnancy and subsequent to the birth of children for pay, and usually advertised for such work and the disposition of unwanted children. Any place in which such work is done, and in which within six months two or more women are treated during pregnancy or after delivery, except women related to the owner or proprietor of such place by blood or marriage, shall be accounted a lying-in home.

SUBSEC. 2. The child welfare commission shall have power to grant licenses to persons or organizations to maintain lying-in homes or maternity hospitals: *Provided*, Such institutions are deemed necessary, the physical and medical facilities offered are adequate, and the personal character of the applicants warrants expectation of creditable and efficient service. No license for an institution of this kind shall be given for a longer period than one year, and the fee for its issuance shall be limited to \$1.

SUBSEC. 3. Institutions of this class shall not place out children in private homes for adoption or to be reared as members of families unless on application to and examination by the child welfare commission any such licensed lying-in home shall also be considered capable of doing satisfactory child placing and shall receive a certificate of approval as a child-placing agency.

SUBSEC. 4. Any violation of the provisions of this act by lying-in or maternity homes, or the establishment of such institution, or the continuance of any persons in such business, without a license from the child welfare commission shall be a misdemeanor punishable by a fine of not more than \$100.

SUBSEC. 5. The provisions of this section shall not be interpreted as referring to general or special hospitals in which maternity work is but a fraction of the service rendered and the care of children only brief and incidental, nor to charitable and altruistic institutions not operated for financial gain or profit, and whose status is provided for in subsection 7, section 4 of this act.

Wayward Girls; Maternity and Venereal Cases; Homeless, Neglected, and Abused Children; Foundlings; and Indigent Orphans—Care of—State Aid to Benevolent or Charitable Institutions Caring for. (Ch. 264, Act Mar. 1, 1919.)

SEC. 66. There is hereby appropriated \$----- annually, out of any funds in the hands of the State treasurer not otherwise appropriated, for the support of wayward girls between the ages of 12 and 18 years; and maternity and venereal cases under the age of 21 years, now being cared for or who may be hereafter cared for by charitable or corrective institutions in this State, shall be cared for and supported as hereinafter provided.

SEC. 67. Any charitable or corrective institution in this State wishing to secure State aid under this act shall make application therefor to the State board of health, in and by which application such institution shall show how many girls of the class mentioned in section 66 it cared for during each month of the preceding calendar year, and shall state how long it has been engaged in this State in caring for girls of said class, and shall declare its willingness to submit to any reasonable health and sanitary rules and regulations prescribed by said board of health. Upon receiving such application the State board of health shall investigate the affairs of and methods of and conditions surrounding such institution and shall, if it finds such institution is properly conducted and worthy of State aid, give it a certificate to that effect and file and send a duplicate of such certificate to the secretary of state.

SEC. 68. The State board of health is hereby given visitatorial powers over all institutions which receive State aid under this act; and such institution shall, on or before the 15th day of January of each year, file with the secretary of the State board of health a financial and statistical report and statement for the preceding calendar year in such form as may be prescribed by said State board of health, and each such institution shall submit to and abide by any reasonable health and sanitary rules and regulations that may be prescribed by said board of health; and if any such institution fails to comply with any of the provisions of this section said State board of health shall no-

tify the secretary of state of such refusal, and such institution shall not thereafter be entitled to any benefits or payments under this act until such failure has ceased.

Sec. 69. Each institution which has received from the State board of health a certificate provided for in section 67 of this act shall be entitled to receive from and out of the appropriation made by section 66 of this act State aid at the rate of \$8 per month for each wayward girl of the class mentioned in said section between the ages of 12 and 18 years, and at the rate of \$10 per month for each maternity or venereal case under the age of 21 years. All sums to which any such institution becomes entitled under this act shall be paid quarterly, to wit, for the quarters ending on the last day of March and June and September and December of each year. Each institution shall present to the secretary of state an itemized statement showing the names and ages of the different girls kept and maintained by it during the quarter and the length of time each girl was so kept and maintained, and the amount to which it is entitled for each such girl and the gross amount to which it is entitled for the quarter, but before being presented to the secretary of state said statement must have been presented to and approved by the secretary of the State board of health. Upon receipt of said statement so approved the secretary of state shall issue a warrant upon the State treasurer in favor of said institution for the amount to which it is entitled for the quarter covered by said statement.

Sec. 70. There is hereby appropriated \$_____ annually, out of any funds in the hands of the State treasurer not otherwise appropriated, for the support of homeless, neglected, and abused children; foundlings and indigent orphans under the age of 17 years now being care for, or who may hereafter be cared for, by benevolent or charitable institutions in this State shall be cared for and supported as hereafter provided.

Sec. 71. Any benevolent or charitable institution in this State wishing to secure State aid under this act, shall make application therefor to the State board of health, in and by which application such institution shall show how many children of the different classes mentioned in section 70 it cared for during each month of the preceding calendar year and shall state how long it has been engaged in this State in caring for children of said classes and shall declare its willingness to submit to any reasonable health and sanitary rules and regulations prescribed by said State board of health. Upon receiving such application the State board of health shall investigate the affairs of and methods of, and conditions surrounding such institution and shall, if it finds such institution is properly conducted and worthy of State aid, give it a certificate to that effect and file and send a duplicate of such certificate to the secretary of State.

Sec. 72. The State board of health is hereby given visitatorial powers over all institutions which receive State aid under this act, and each such institution shall, on or before the 15th day of January of each year, file with the secretary of the State board of health a financial and statistical report and statement for the preceding calendar year in such form as may be prescribed by said State board of health; and each such institution shall submit to and abide by any reasonable health and sanitary rules and regulations that may be prescribed by said State board of health; and if such institution fails to comply with any of the provisions of this section said State board of health shall notify the secretary of state of such refusal, and such institution shall not thereafter be entitled to any benefits or payments under this act until such failure has ceased.

SEC. 73. Each institution which has received from the State board of health the certificate provided for in section 71 of this act shall be entitled to receive from and out of the appropriation made by section 70 of this act State aid at the rate of \$8 per month for each child of any of said classes over 5 years of age and at the rate of \$10 per month for each child of any of said classes not over 5 years of age. All sums to which any such institution becomes entitled under this act shall be paid quarter yearly, to wit: For the quarters ending on the last days of March, and June, and September, and December of each year. Each institution shall present to the secretary of State an itemized statement showing the names and ages of the different children kept and maintained by it during the quarter and the length of time each child was so kept and maintained and the amount to which it is entitled for each year [quarter?] for such child and the gross amount it is entitled to for the quarter, but before being presented to the secretary of state said statement must have been presented to and approved by the secretary of the State board of health. Upon receipt of said statement so approved the secretary of State shall issue a warrant upon the State treasurer in favor of said institution for the amount to which it is entitled for the quarter covered by said statement.

SEC. 74. No institution which receives from the State of Oregon any direct and specific appropriation of money shall be entitled to receive any State aid under this act for any period covered by such appropriation; and no institution shall be entitled to any State aid under this act for any period covered by such appropriation; and no institution shall be entitled to any State aid under this act until it has had an actual bona fide existence of at least six months; and no institution which has less than 10 bona fide inmates of either or all of the classes mentioned in section 70 of this act shall be entitled to any State aid under this act; and no homeless child or neglected child or abused child, or foundling, or orphan for whose specific support any sum is paid to any institution by any person whatever shall for any part of the period for which such sum is paid be deemed a homeless child, or neglected child, or abused child or foundling, or orphan within the intention or meaning of this act.

SEC. 75. In case of the death or legal incapacity of a father, or in case of his deserting or abandoning or neglecting to provide for any of his children under 15 years of age, the mother shall be considered their legal guardian, and if unable to provide for them may surrender them to the charge of any institution entitled to receive State aid under this act; and in all cases where the parents or guardian of any such child are not known or can not be found the county judge of the county in which the child may be found may make surrender of such child to any such institution.

SEC. 76. In case it shall be shown to any judge of a court of record that the father of any child under 15 years of age is dead or has abandoned his family, or is an habitual drunkard, or imprisoned for crime, and the mother of such child is an habitual drunkard, or imprisoned for crime, or is an inmate of a house of ill fame, or a person of a notoriously bad character, or is dead or has abandoned her family, or that the parents of any such child have grossly abused, abandoned, or neglected to provide for it, or have grossly abused their parental authority over such child, then such judge may, if he thinks the welfare of such child requires it, surrender such child to any institution entitled to receive State aid under this act.

SEC. 77. Whenever complaint shall be made to the judge of any court of record that any child under the age of 15 years is abandoned by or is sustaining relations to his or her parents or guardians mentioned or contemplated in section 76, it shall be the duty of such judge to issue a warrant for the arrest of such child, and if on testimony satisfactory to such judge it shall appear that such

child has no parents, or is abandoned, abused, or neglected by its parents or guardian as contemplated in section 76, the said judge may, if he believes the best interests of the child require it, surrender such child to any institution entitled to receive State aid under this act.

SEC. 78. Any institution entitled to receive State aid under this act shall be entitled to the custody and guardianship of such children as are surrendered into its keeping as in this act provided, and may exercise all [the] right and authority of guardians under the laws of this State, and may exercise all the right and authority of the parents of such child in any proceeding for the adoption of such child.

SEC. 79. Any sum or amount of money that shall have been paid for any of the objects specified in sections 66 and 70 of this act from any continuing appropriation or in any manner from the State treasury, or expenses accruing during the period therein stated, shall be deducted from the amount hereby appropriated therefor, and no more than the respective sums herein specified shall be paid for the several objects mentioned from the State treasury by reason of any and all appropriations for such respective objects.

SEC. 80. The secretary of state is hereby authorized and directed to audit all duly approved claims which have been incurred in pursuance of law and the foregoing appropriations, and to draw his warrants on the State treasurer in payment thereof out of the respective appropriations from which the same may be determined to be payable: *Provided, however,* That before the secretary of state shall audit any claim, the payment of which is contemplated from any of the appropriations hereinbefore made, or issue any such warrant, the State board of control shall, through a duly authorized agent, investigate the claimant institution and check up its inmates and records for the period covered for the purpose of determining whether or not it is in fact entitled to State aid as authorized under sections 66 and 70 of this act, or any subsequent acts amendatory of either of said chapters [sections?], for any or all of the persons included in said institution's statement and claim. If, as a result of said investigation, it is determined that said institution is not entitled to said State aid for any of the persons named in or included in said statement of claim, the amount or amounts claimed therein and the warrant to be issued thereon shall be reduced accordingly. The State board of control, through its secretary, shall issue an appropriate certificate showing the result of its findings upon each institution's claim investigated, as herein provided, and shall file same with the secretary of state. The foregoing requirement shall be in addition to the examinations and certifications now required by law of any institution receiving, or that may hereafter receive, State aid under the provisions of the laws [sections?] mentioned in this section.

State Board of Health—Appointment, Powers, and Duties—Making and Enforcement of Regulations. State Health Officer—Appointment, Salary, Powers, and Duties. Local Boards of Health—How Constituted—Duties. Local Health Officers—Appointment, Powers, Duties, and Compensation—Removal by State Board of Health. Enforcement of Act. (Ch. 264, Act Mar. 1, 1919.)

SECTION 1. The "State board of health," heretofore appointed by the governor of this State, shall constitute the State board of health under this act. Each member of said board shall continue in office for the remainder of the term for which he shall have been appointed. Upon the expiration of the terms of any of the said members, the governor, with the consent of the senate, shall appoint a successor to hold such office for the term of four years.

Any vacancy in said board may be filled by the governor. The State board of health shall consist of seven members, six who [of whom] shall have been appointed by the governor, with the consent of the senate, or their successors, and a secretary to be appointed by the board, who will be known and designated as the State health officer, all to be physicians and especially selected for their fitness.

SEC. 2. The State board of health shall have direct supervision of all matters relating to the preservation of life and health of the people of the State. It shall keep the vital statistics of the State, and make sanitary surveys and investigations and inquiries respecting the causes and prevention of diseases, especially of epidemics. The board shall have full power in the control of all communicable diseases. It shall make and file in the office of the secretary of State such rules and regulations, and is hereby empowered to enforce such rules and regulations for the control of any and all communicable diseases, by quarantining; or the adoption of any other reasonable measures as seem best for limiting the spread of communicable diseases, and for the preservation of the public health; and it shall be the duty of all executive officers, including police officers, sheriffs, constables, and all county officers and employees of the State, to enforce such regulations, subject to the authority of the State health officer.

SEC. 3. When any county or city official neglects or refuses from any cause to enforce the rules and regulations of this act, or the peace officers of a county or city refuse or are unable to enforce such rules and regulations when so directed, then it is the duty of the State health officer to take direct charge of such county or city, and he is hereby empowered to call to his aid such assistance as is necessary for the enforcement of the said rules and regulations, the expense whereof shall be born by such county or city making the use of this procedure necessary, to be paid out of said county or city treasury upon vouchers properly certified by the State health officer.

SEC. 4. The board shall meet annually at Salem, on the second Tuesday of January, and shall also hold special meetings where and when the board may provide, as frequently as the proper and efficient discharge of its duties may require. Three shall constitute a quorum for the transaction of business. It shall elect from its own number a president, and may adopt rules and regulations subject to the provisions of this act. It shall have authority to send its secretary or committee of the board to any part of the State when deemed necessary.

SEC. 5. At its first meeting, or as soon thereafter as a competent and suitable person can be secured, the board shall elect a secretary, who shall, by virtue of such election, become a member of the board and its executive officer, and his official title shall be known as the State health officer, who shall be a regularly graduated and reputable physician.

SEC. 6. The secretary shall hold his office so long as he shall faithfully discharge the duties thereof, and may be removed for just cause at a regular or special meeting of the board, a majority of the members voting therefor. He shall perform the duties prescribed by this act, or required by the board. He shall be empowered to employ or discharge any employee of the State health office. He shall keep a record of the transactions of the board, shall have the custody of all books, papers, documents, and other property belonging to the board, which may be deposited in his office. He shall communicate with the other State boards of health and with the county boards of health throughout the State; shall keep and file reports received from such boards, and all correspondence of the office appertaining to the business of the board. He shall prepare all blank forms for the State and all subordinate boards.

of health, and give such instructions as may be necessary, and forward them to the various health officers throughout the State.

SEC. 7. That it shall be the duty of the State health officer to hold annually a convention of county and city health officers at such place as he shall hold convenient, for the discussion of the questions pertaining to public health and sanitation. Said convention shall continue in session for such time not exceeding three days as the said health officer shall deem necessary. It shall be the duty of the health officer of each county or city to attend such convention, and such officer shall receive his actual and necessary traveling expenses, to be paid by said county or city: *Provided*, That no claim for such compensation or expenses shall be allowed or paid unless it be accompanied by a certificate from the State health officer attesting the attendance of such health officer at said convention.

SEC. 8. The secretary shall receive an annual salary, which shall be fixed by the State board of health, and the necessary traveling expenses and the necessary expenses for clerical service that the board may deem necessary for his assistance. The board shall certify the amount due him, and, on presentation of said certificate the secretary of State shall draw a warrant on the State treasurer for the amount. The members of the board shall receive no per diem compensation for their services, but their traveling and other necessary expenses, while employed on the business of the board, shall be allowed and paid.

SEC. 9. The county judge and county commissioners, and the mayor and common council of each incorporated city, except where a regularly constituted board of health by statute or by ordinance of such city exists or may hereafter be created, shall constitute a board of health ex officio for each county and city, respectively, of the State, whose duty it shall be to enforce the rules and regulations of the State board of health and such other rules and regulations of the county or city board of health as are approved by the State board of health, and perform such other duties as may from time to time be required of them by the State health officer pertaining to the health of the people. They shall elect a secretary who shall be in possession of a license issued to him by the State board of medical examiners, who shall be the health officer of the appointing board when so commissioned by the State board of health, and he shall hold his office so long as he shall faithfully perform the duties thereof. The compensation of all county and city health officers shall be prescribed by the board appointing him or to which he belongs, and the same, together with his necessary expenses, shall be paid by the county or city in which he serves, on the first Monday in September, December, March, and July: *Provided*, That no incorporated city or town shall pay its secretary less than \$10 per month nor county board shall pay its secretary less than \$25 per month.

The State board of health shall have power to remove at any time any county, city, or town health officer for intemperance, failure to collect vital statistics, obey rules and regulations, keep records, make reports, or answer letters of inquiry, or obey orders of the State health officer concerning the health of the people. Such removal, however, shall not be made until five days' notice of the charge or charges against such health officer shall have been mailed to him: *Provided*, The time and place of hearing such charges by the State board of health shall be in the county seat of the county or in the city or town of which the defendant is health officer and shall take place not later than one week after the time of mailing notice to such health officer: *Also provided*, That he may be represented by counsel: *And it is further provided*, That said health officer so removed shall not be reappointed without the consent of the State board of health. In case of death, removal, or resignation of any county or city health officer

created under this act, the vacancy shall be immediately filled by the county judge or mayor of the city, as the case may be, under the provisions of this section. In case of refusal or neglect of any county judge or mayor of the city to appoint a county or city health officer for a period of 30 days following such vacancy, the State health officer shall make such appointment. The office of the secretary of the county board of health shall be at the county seat. All county or city health officers shall possess the powers of constables or other peace officers in all matters pertaining to the public health.

SEC. 10. The board of health of each county and city shall be subordinate to the State board of health, and it shall be the duty of the secretaries of such county boards to report such facts and statistics as may be required under instructions from and in accordance with blanks furnished by said board; and it shall be the duty of secretaries of city boards of health to make reports of such facts and statistics as may be required under instructions and in accordance with the blanks furnished by the State board to the secretaries of the county boards of health to which city boards of health are subordinate: *Provided*, That all books and records kept by the secretary of the county or city board shall be the property of the county or city where such records are kept, and filed with the county clerk or city official where such records can be consulted without fee.

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SEC. 148. The local health officers and local registrars are hereby charged with the strict and thorough enforcement of the provisions of this act in their districts, under the supervision and direction of the State health officer and State registrar. And they shall make an immediate report to the State health officer or registrar of any violation of this law coming to their notice by observation or upon the complaint of any person or otherwise. The State health officer and State registrar is hereby charged with the thorough and efficient execution of the provisions of this act in every part of the State, and with supervisory powers over all health officers and local registrars, to the end that all of the requirements shall be complied with. They [sic] shall have authority to investigate cases of irregularity or violation of law, personally or by accredited representative, and all health officers and local registrars shall aid them, upon request, in such investigation. When deemed necessary, they shall report cases of violation of any of the provisions of this act to the prosecuting attorney of the proper county with the statement of the facts and circumstances; and when any such case is reported to them by the State health officer or State registrar all prosecuting attorneys or officials acting in said capacity shall forthwith initiate and promptly follow up the necessary court proceedings against the parties responsible for the alleged violations of law. And, upon request of the State health officer or State registrar, the attorney general shall likewise assist in the enforcement of the provisions of this act.

SEC. 149. Any person who shall violate any of the provisions of this act or any lawful rules or regulations made by the State board of health pursuant to the authority herein granted, or who shall fail or refuse to obey any lawful order issued by any State, county, or municipal health officer pursuant to the authority granted in this act, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than a year or by both such fine and imprisonment.

SEC. 150. Justice courts, circuit courts, and municipal courts sitting as justice courts shall have concurrent jurisdiction with the circuit courts of all prosecutions arising under this act. The district attorney or county attorney or attorney general is authorized to institute prosecutions for violation of this

act by information, or the same may be instituted by indictment or by complaint verified before any magistrate.

SEC. 151. Nothing in this act shall be construed to empower or authorize the State board of health or its representatives, or any county board of health or its representatives, or any city board of health or its representatives, to interfere in any manner with the individual's right to select the physician or mode of treatment of his choice, nor interfere with the practice of any person whose religion treats or administers to the sick or suffering by purely spiritual means: *Providing, however*, That sanitary laws, rules, and regulations are complied with.

State Board of Health Laboratory—Bacteriological Examinations by. (Ch. 264, Act Mar. 1, 1919.)

SEC. 118. For the better protection of the public health, the laboratory of the State board of health shall make such bacteriological examinations of water, milk, blood, secretions, and tissues required by any State, county, or city institution or officer, or for any regularly licensed physician, in accordance with the rules and regulations of the State board of health.

State Board of Health Laboratory—Examinations and Tests by. (Reg. Bd. of H., Aug. 27, 1919.)

SEC. 75. (a) *Water examinations; how secured.*—For the purpose of determining the purity of all water supply [sic] used for culinary or drinking purposes or used in the preparation of all articles of food consumption [sic] by schools, towns, cities, or food manufacturers there shall be submitted monthly or oftener if required to the State board of health laboratory officially collected samples of such water by the county and city health officers in their respective districts; said laboratory to report the results of its analysis to the said county or city health office, and when said water is condemned as unfit for the purposes intended the users thereof shall be notified, and such water shall not be used without its being sterilized until its purity is reestablished by at least one laboratory examination by the laboratory of the State board of health.

Weekly examinations.—Thereafter samples of such water shall be officially collected and sent to the laboratory of the State board of health at least once each week for four consecutive weeks. However, after the examination first showing the cause of contamination to have been removed, any prohibition upon the use of such water shall be removed at such time as the State board of health shall deem advisable.

Official samples to be collected.—In order to avoid duplication of effort and eliminate any chance for incorrect sampling of water, county and city health officers are hereby authorized and directed to take samples and make examination whenever and wherever necessary in the opinion and at the request of the State health officer. Any expense incurred by such health officer in taking such samples or involving such examination to be paid by the school district, town, city, food manufacturer, mining company, logging or lumber company, or other individual, copartnership, corporation, association, or water company owning or having jurisdiction over such water supply.

Water samples; how sent.—Water samples furnished for examination shall be sent by mail, charges prepaid and return charges prepaid. In case such sample can not reach the laboratory within 24 hours after mailing same it shall be packed in sufficient ice and sawdust to insure preservation of same so that a correct analysis may be made.

(b) *Sputum*.—A specimen of sputum to be examined for tubercle bacilli must always be the first expectoration in the morning. The mouth should be well rinsed before the specimen is taken. A wide-mouth bottle of about 1 ounce capacity is best suited for this purpose. The bottle must be securely corked and cork tied down. Mark the bottle plainly with name and address of the person from whom taken and the attending physician. The bottle must be sent in a mailing case to comply with the postal regulations. Sterile bottles furnished upon application.

(c) *Diphtheria*.—There is no disease that requires an earlier diagnosis than diphtheria. A microscopical examination of a swabbing of the throat is not conclusive nor reliable, for there are many other organisms that closely resemble the diphtheria bacillus and are difficult to distinguish by the microscope alone.

This has led to the use of Loeffler's blood serum upon which the organisms are transferred from the diseased area of the patient's throat to the serum by the aid of a small sterile swab.

To obtain the best results a portion of the false membrane is removed with the swab and rubbed on the surface of the blood serum in the tube. Place swab in sterile test tube and send with culture tube to enable laboratory to make examination for Vincent's angina.

The patient from whom the specimen is taken should, if possible, not take milk or gargle with antiseptics for at least one hour before.

If blood serum tubes are not at hand, a piece of wire is heated to redness and wrapped with cotton to form a small swab. After securing the specimen as described the swab is placed in a test tube or phial that has previously been well scalded, then corked, sealed, and sent to the laboratory, where it is immediately used for inoculating blood serum.

The name and address of the sender must be marked on the tube or container.

If diagnosis is to be wired, the letter accompanying the specimen should so state.

(d) *Vincent's angina*.—Remove the false membrane from the throat with a sterile swab such as used for diphtheria. The swab should then be placed in a sterile test tube or phial properly sealed and forwarded in mailing case with instructions for examination desired.

(e) *Malaria*.—A perfectly clean microscope slide must be smeared with a very thin coating of the patient's blood, which is best accomplished by puncturing the finger, allowing the blood to flow freely and saturate a slip of cigarette paper the width of the slide, draw it over the length of the slide, leaving a thin film of blood which is dried spontaneously.

(f) *Milk*.—A sample of milk for a microscopical examination should be part of the whole milking. The receptacle should be prepared as described for water samples, and later being filled should be forwarded as quickly as possible, in order that it may reach the laboratory before coagulation occurs. Samples of milk must be packed in ice.

If the cow from which the sample is to be taken shows a tenderness or swelling in any part of the udder, the sample should be taken from the teat of the affected part.

A sample of milk from any source for analysis should not be less than 2 ounces.

Label plainly and state definitely what analysis is wished in order to prevent mistakes.

(g) *Bubonic plague*.—If a rat is sent to the laboratory suspected of having bubonic plague, it must first be dipped in a solution of corrosive sublimate of

a strength of 2 parts to 1,000 of water for the purpose of killing any fleas that may be on the body.

The carcass must be packed in ice and forwarded by express with all the data and particulars that can be secured.

(h) *Anthrax*.—In forwarding specimen for diagnosis of anthrax, a small phial of blood, a portion of the spleen, and part of the liver must be sent. An ante mortem description of the disease is very desirable.

(i) *Glanders*.—A specimen for glanders in a live horse should be taken on a long swab reaching as high in the nostrils as possible and particularly from discharging ulcers. The swab is similar to those used for diphtheria only larger and longer, and they must be placed in the bottle or container, sealed, labeled, and forwarded by express with a clinical history of the case where it is possible.

(j) *Actinomycosis*.—The pus for [from?] the suppurating abscess may be placed in a small bottle by the use of a swab and sent in a mailing case to the laboratory.

An extracted tooth to which fragments of tissue cling.

(k) *Tuberculosis in animals*.—Specimen for determination of tuberculosis in animals should be selected from diseased area found in the post-mortem.

The deceased [diseased?] lung or tubercles found anywhere in the body must especially be selected.

Tuberculosis in fowls.—If upon opening a fowl, nodules or yellow spots on the liver or nodules on the intestines are found, they should be placed in a wide-mouthed bottle, carefully sealed and forwarded in a mailing case, or the whole viscera may be sent by express if desired.

Diphtheria in fowls.—A fowl that has died of suspected diphtheria should have the head (including the neck) cut off and same should be sent to the laboratory in a mailing case.

(l) *Typhoid*.—Upon request, tubes will be forwarded from this laboratory for collection of specimens of blood for Widal reaction. If an early diagnosis is desired before the tubes can be obtained, slides may be submitted. Make two slides, one with two or three drops of blood and one smear (for differential count), dry spontaneously and forward in mailing case.

Instructions should always accompany the specimen as to whether or not the patient has had a previous attack of typhoid fever as the blood will produce a reaction for a considerable period of time after an attack.

A negative finding does not absolutely exclude possibility of typhoid fever and if deemed necessary, test will be repeated.

Specimens of blood sent for this purpose must be properly labeled for desired examination.

(m) *Typhoid feces*.—Container and instructions regarding the preparing of feces for bacteriological examinations will be furnished upon application. These should be taken in order to determine or exclude the presence of the organism in suspected carriers.

(n) *Syphilis*.—With syringe, draw from 3 to 5 c. c. of blood from arm. Place in sterile test tube and seal. Do not, under any consideration, heat the blood in the tube. State plainly what examination is desired of the blood. The tubes must be forwarded in mailing cases. Instruction cards and history blanks will be furnished upon application.

(o) *Gonorrhea*.—Collect a fraction of a drop of discharge on one end of a slide. Place the second slide at an angle to the first slide in the small drop of exudate, spread it in a thin film on the slide by a continuous sweep of the second slide across the first. Let the film dry in the air without heating it. Spread another film of the discharge on the second slide using the end of the

first as a spreader. Replace the slides when dry, specimen sides together, and mail them to the laboratory. The film of exudate should be thin, evenly spread and extend over only half the surface of the slide. If the drop is too large, clean the slide and collect another smaller drop.

For examination of women suspects.—Smears should be taken with a sterile swab from:

1. The cervix.
2. The urethra.

(p) *Rabies.*—A dog suspected of being rabid should be kept chained and allowed to die. Every precaution must be taken to prevent anyone being bitten by the animal. After the animal is dead, remove the entire brain, using extreme care not to crush or mash any part of it. When removed carefully place the brain in a wide-mouthed fruit jar, completely fill the jar with a 50 per cent solution of glycerin and water, seal the jar tightly, pack in a container that will not permit same to become broken, and send at once to laboratory by the quickest method.

In sending all cases of suspected rabies a letter should be sent to the laboratory with history descriptive of the action of the animal before death. It should also state whether the animal was a stray one or known in the community.

(q) *Meningitis.*—Serum from spinal puncture should be forwarded to the laboratory immediately. In suspected carriers instructions for collecting material will be forwarded upon application.

(r) *Pasteur treatment for rabies.*—The Pasteur treatment for rabies will be administered by the State health officer if the patient immediately reports after having been bitten by a dog or animal suspected of having rabies.

(s) *Laboratory restrictions.*—This laboratory can not be used for private work by physicians to collect a fee through its service.

All specimens sent to the laboratory must be prepaid. There are no fees for laboratory work to residents of the State.

No attention will be paid to a specimen received at this laboratory if not accompanied by a letter from the sender explaining the analysis desired and data concerning the case. In the event of several specimens being sent from the same person, each specimen must be marked with analysis desired and the name and address of the sender.

State Board of Health Regulations—Have Force and Effect of Law—Issuance and Enforcement of Summary Regulations—Approval and Effect of Regulations by Institutions. (Reg. Bd. of H., Aug. 27, 1919.)

SECTION 1. Scope and effect of State board of health regulations.—The rules and regulations of this board shall have all the force and effect of law, and any violation of them or any failure or refusal to comply with any of their provisions or to obey the lawful order of any State, county, or municipal health officer shall constitute an offense, and any person or persons so offending shall be deemed guilty of a misdemeanor and shall be punished as provided by section 149 of chapter 264 of the general laws of Oregon for 1919.

SEC. 2. Summary power of State board of health.—In any case not covered by statute or by these rules and regulations, and in order to receive correct vital statistics, prevent the spread of communicable diseases, remove or prevent contamination of any water supply, enforce quarantine, declare certain diseases communicable, arrest epidemic or unusually prevalent diseases which may become general or apply to certain localities, better the condition in hospitals, poor farms, sanatoria, baby homes, boarding-out homes for babies,

homes for wayward girls or indigent orphans, make and enforce closures, abate nuisances, prevent improper removal, transportation, interment or disin-terment of dead human bodies, or regulate the treatment or control of venereal diseases, the State board of health has power, through its secretary, to act summarily and to issue rules and make and enforce regulations as any case may require.

SEC. 3. *Institutional regulations when approved by State board of health to be filed with secretary of state.*—All rules and regulations made by any institution within this State, in accordance with law and approved by the State board of health, shall, when filed with the secretary of state according to law, become a part of and have the same force and effect as these rules and regulations.

State Board of Health—Authorized to Sell or Dispose of Unsuitable Material or Equipment. (Ch. 310, Act Mar. 4, 1919.)

SECTION 1. The "State board of health" shall be, and hereby is, authorized and empowered to exchange, sell, or dispose of any obsolete, worn-out, or otherwise unsuitable material or equipment that it may at any time have on hand, when in its judgment such exchange, sale, or disposal is to the financial benefit of the State. The proceeds from such sales or disposal shall be deposited in the State treasury to the credit of the State board of health with a full report covering each separate sale or disposal made by the board under the authority hereby granted, and said fund shall be expended by the State board of health for the purchase of necessary equipment or material used in the research laboratory of said board, subject to the regulations respecting the approval of claims and drawing and honoring of warrants prescribed by law for other expenditures by said board.

Public Health Nursing—Establishment and Personnel of State Bureau of Nursing—Duties of Public Health Nurses. (Reg. Bd. of H., Aug. 27, 1919.)

SEC. 55. (a) The State bureau of nursing is herewith created. All nurses appointed through the provisions of chapter 264, laws of 1919, with such other nurses appointed by any society, school board, institution, or any other organization whose activities are concerned with public health, shall constitute the personnel of this bureau, under the supervision of the State advisory nurse.

(b) The State advisory nurse shall be appointed by the State board of health.

(c) All rules and regulations governing public health nursing shall be promulgated by the State board of health.

(d) The State advisory nurse, and any assistant advisory nurses shall have the following qualifications:

1. They shall be registered nurses and in good standing with the National Organization for Public Health Nursing.

2. They shall submit evidence satisfactory to the State board of health of training and experience of not less than two years after graduation, in the following lines of work:

(a) Maternity.

(b) Infant welfare.

(c) Social service.

(d) Tuberculosis work.

(e) Care of communicable diseases.

(f) School nursing.

(e) All county or municipal public health nurses, or any other nurses engaged in public health work shall be registered, must be at least 21 years of age at the time of their appointment, and shall be able to qualify under the standard set by the National Organization for Public Health Nursing.

(f) County and municipal public health nurses, or any other nurses engaged in the personnel of the State board of health bureau of nursing, shall have assigned to them examination and visitation of school children, or children excluded from school; shall do home visitation work including parental visitation; infant welfare visitation; the discovery and visitation of cases of tuberculosis; visitation of the sick who may be unable otherwise to secure adequate care, and the instruction of members of household in which there is a sick person. These things shall include any reports of insanitary conditions reported to them by the State board of health, or by the county and city health officers. Such nurses shall do any other work affecting public health referred to them by any other county or municipal department. Their work shall also be of a general educational nature throughout their assigned territory.

State Board of Eugenics—Establishment and Duties—Sterilization of Mental Defectives. (Ch. 264, Act Mar. 1, 1919.)

SEC. 85. There is hereby established and constituted for the State of Oregon a "State board of eugenics," which shall be composed of the State board of health, the superintendent of the Oregon State Hospital, the superintendent of the Eastern Oregon Hospital, the superintendent of the State institution for feeble-minded, and the superintendent of the Oregon State Penitentiary, whose duties shall be as hereinafter defined. The secretary of the State board of health shall serve as the secretary of said board, and the members of said board shall serve without compensation.

SEC. 86. It shall be, and it is hereby declared, the duty of the superintendent of the Oregon State Hospital, the superintendent of the Eastern Oregon State Hospital, the superintendent of the State institution for feeble-minded, and the superintendent of the Oregon State Penitentiary and the State health officer to report quarterly on the 1st of January, April, July, and October, to the State board of eugenics, all feeble-minded, insane, epileptic, habitual criminals, moral degenerates, and sexual perverts, who are persons potential to producing offspring who, because of inheritance of inferior or antisocial traits, would probably become a social menace, or a ward of the State.

SEC. 87. It shall be the duty of the State board of eugenics to examine into the innate traits, the mental and physical conditions, the personal records, and the family traits and histories of all persons so reported so far as the same can be ascertained, and for this purpose said board shall have the power to summon witnesses, and any member of said board may administer an oath to any witness whom it is desired to examine; and if in the judgment of a majority of the said board procreation by any such person would produce children with an inherited tendency to feeble-mindedness, insanity, epilepsy, criminality, or degeneracy, and there is no probability that the condition of such person so examined will improve to such an extent as to render procreation by any such person advisable, or if the physical or mental condition of any such person will be substantially improved thereby, then it shall be the duty of said board to make an order directing the superintendent of the institution in which the person is confined, and if not so confined, directing the State health officer to perform, or cause to be performed, upon such person such a type of sterilization as may be deemed best by said board.

SEC. 88. The purpose of said investigation, findings, and orders of said board shall be for the betterment of the physical, mental, neural, or psychic condition of the person, or to protect society from the menace of procreation by said person, and not in any manner as a punitive measure; and no person shall be emasculated under the authority of this act except that such operation shall be found to be necessary to improve the physical, mental, neural, or psychic condition of such person.

SEC. 89. After fully inquiring into the condition of each of such persons said board shall make separate written findings for each of the persons whose condition has been examined into, and the same shall be preserved in the records of the said board, and a copy thereof shall be furnished to the official who reported the case, and if an operation is deemed necessary by said board, then a copy of the order of said board shall forthwith be served on said person, or in case of an insane person upon his legal guardian, and if such insane person have no legal guardian then upon his nearest known kin within the State of Oregon, and if such insane person have no known kin within the State of Oregon, then upon the custodian guardian of such insane person.

SEC. 90. Any such person desiring to appeal from the decision of the said board, or in case the person is under guardianship or disability, then the guardian of said person, may take an appeal to the circuit court.

An informal notice of appeal filed with the secretary of said board, either by the person or some one in his behalf, shall be all that is necessary to make the appeal: *Provided*, Said notice shall be filed within 15 days of the date when notice of the board's decision is served on such person or his guardian, and said notice of appeal shall stay all proceedings of said board in said matter until the same is heard and determined on said appeal: *Provided further*, That no operation shall be performed upon any person until the time for appeal from the decision of [the] board has expired.

SEC. 91. Upon an appeal being taken, the secretary of the said board where the notice of appeal is filed must, within 15 days thereafter, or such further time as the court or the judge thereof may allow, transmit a certified copy of the notice of appeal and transcript of the proceedings, findings, and order of the board to the clerk of the court appealed to.

The trial shall be a trial de novo at law as provided by the statutes of the State for trial of actions at law. Upon such appeal, if the appellant be without sufficient financial means to employ an attorney, then the court shall appoint an attorney to represent the said appellant, and such attorney shall be compensated by the State upon order of the court; and it shall be the duty of the district attorney of the county wherein such trial is had to represent the said board.

SEC. 92. If the court or jury shall affirm the findings of said board, said court shall enter a judgment, adjudging that the order of the said board shall be carried out as herein provided; if the court fail to affirm the decision of said board appealed from, then said order shall be null and void and of no further effect.

SEC. 93. Upon the receipt of the order from the State board of eugenics provided for in section 87, the superintendent of the institution to which it is directed shall, after the time for appeal has expired, or in case of appeal upon entering of a judgment affirming the order of the board, and it is hereby made his lawful duty to perform, or cause to be performed, such surgical operation as may be specified in the order of the State board of eugenics. All such operations shall be performed with a due regard for the physical condition of the inmate and in a safe and humane manner.

SEC. 94. The fact that a person has been committed and is an inmate of any institution for feeble-minded, or hospital for insane, maintained by the State of Oregon, or is a criminal who has been convicted three or more times of a felony in the courts of any State and sentenced to serve in the penitentiary therefor, or is a moral degenerate or sexual pervert who is addicted to the practice of sodomy or the crime against nature, or to other gross, bestial, or perverted sexual habits, and practices prohibited by statute, shall be prima facie evidence that procreation by any such person would produce children with an inherited tendency to feeble-mindedness, insanity, epilepsy, criminality, or degeneracy.

SEC. 95. The provisions of the foregoing 10 sections of this act shall apply to all persons within the State of Oregon procreation by whom would produce children with an inherited tendency to feeble-mindedness, insanity, epilepsy, criminality, or degeneracy.

SEC. 96. The State shall be liable under this act only for the actual traveling expenses of the members of the board incurred in the performance of their duties and the actual and necessary expense incident to the investigations of said board and an appeal therefrom.

County Meat and Herd Inspectors—Appointment, Qualifications, Compensation, Powers, and Duties. (Ch. 383, Act Mar. 4, 1919.)

SECTION 1. There is hereby created for and in the several counties of the State of Oregon, excepting Tillamook County, Oreg., the office of county meat and herd inspector. Said inspector may be appointed in the counties electing to appoint such inspector within 60 days from the taking effect of this act by the county courts of the several counties of the State of Oregon, excepting Tillamook County, Oreg., with the approval of the State veterinarian of Oregon, and such officer shall hold office during the pleasure of said county court and may be removed for cause at any time by said county court, in which case said county court may immediately appoint another qualified person to such office.

SEC. 2. Said county meat and herd inspector shall receive a per diem, to be fixed by the county courts of the several counties of the State of Oregon, but not to exceed \$10 per day for the time actually employed in performing his duties hereunder, to be paid from the general fund of the several counties of the State of Oregon in the manner that other county officers of the several counties of the State of Oregon are now paid, and he shall be a competent and qualified graduate in good standing of a recognized veterinary college having a course of not less than two years, embracing terms of not less than six months a year, and he shall devote such time as may be necessary in the performance of the duties of his office and shall reside during his term in the county of the State of Oregon for which he is appointed county meat and herd inspector, and he shall receive no other compensation whatever for his said services, but his per diem herein provided for shall cover all his traveling and other expenses. The county courts of the several counties of the State of Oregon may, with the approval of the State veterinarian, appoint such assistants to said inspector as may be necessary to complete the inspection as in this act provided for, such assistants to receive such compensation as may be fixed by the court, but not to exceed the rate allowable to said inspector.

SEC. 3. It shall be the duty of said inspector to inspect the dairy and purebred breeding herds of the county in such manner as approved by the "State live stock sanitary board" as to most effectually eradicate bovine tuberculosis

and other diseases of live stock, and he shall have the full power and the duties of a deputy State veterinarian within the county for which he is appointed county meat and herd inspector, and he shall be ex officio county veterinarian to such county. He shall collect a fee of 35 cents per head for each and every bovine animal or carcass inspected by him and shall receipt therefor to the owner of said herd or carcass and shall keep an accurate account thereof, and on or before the 10th day of each month turn the moneys so collected in to the county treasurer for the use and benefit of the general fund of said county, and he shall, within 10 days after the inspection of any herd or carcass, deliver a certificate of health or inspection to the owner covering such animal or animals or carcass or carcasses as did not show a suspicious or positive reaction to the tuberculin test or present clinical evidence or lesions of disease. Such certificate shall give the description of the animal certified to and shall cover such particulars as age, sex, breed, temperature records, result of test or examination or other information that the State live stock sanitary board shall demand. The said county meat and herd inspector shall at all times work under the direction of the State live stock sanitary board and shall be governed by its rules and the provisions of chapter 14, laws of 1913, creating the said board, and the provisions of chapter 417, laws of 1917, providing for the inspection of meat and meat-food products. He shall, within the county for which he is appointed county meat and herd inspector, possess the full powers of the above acts, and the rules and regulations of the said board given to a deputy State veterinarian, but he shall not be entitled to claim reimbursement from the State for any services rendered or expense incurred, and his appointment shall at any time be revocable by the board.

He shall make a monthly report of all his work done in said county and State, setting forth in a concise manner a detailed account of his actions as county meat and herd inspector.

Such inspection of the dairy and breeding herds shall commence at the time regarded as most suitable for this work and shall continue throughout the year until all the bovine dairy and breeding animals have been tested. This testing shall be conducted as often as the county court sees fit to have it carried out.

The said county meat and herd inspector shall make monthly reports, one copy of said report to be filed with the State veterinarian and one copy to be filed with the county court of said county, and one copy to be retained and kept by said inspector, said reports to be so made and filed on or before the 10th day of each month next succeeding that during which inspection was made.

Said county meat and herd inspector shall have the right and authority to enter the premises where the animal or carcass or subject to inspection hereunder may be, and make such use of said premises as may be necessary to make the inspection herein provided for, and it shall be the duty of the person in charge of any such animal or carcass so being inspected to render said inspector or his assistants such assistance as may be required in carrying out said work.

Sec. 4. Said county meat and herd inspector shall, before entering upon the duties of his office, give a bond to the county for which he is appointed said inspector in the sum of \$2,500, conditioned for the faithful performance of his duties as hereinbefore provided.

Sec. 5. Nothing in this act shall be construed as requiring or compelling any owner or owners of any cow or cows in any county of the State of Oregon to have the same inspected by said inspector, unless said inspection is required by the existing laws of said State of Oregon.

SEC. 8. This act shall not apply in any way to Tillamook County, Oreg., and shall not be considered to repeal in any manner chapter 146 of the General Laws of Oregon for 1917.

Food—When Deemed Adulterated. Ice Cream—When Deemed Adulterated or Unwholesome—Sale. Rooms Where Food is Prepared for Sale—Not to be Used for Living or Sleeping Purposes. (Ch. 169, Act Feb. 26, 1919.)

SECTION 1. That section 21 of chapter 343 of the General Laws of Oregon for 1915 be, and the same is hereby, amended so as to read as follows:

SEC. 21. An article shall be deemed to be adulterated within the meaning of this act:

First. If any substance has been mixed with it so as to lower or depreciate, or injuriously affect its quality, strength, or purity.

Second. If any inferior or depreciating substance has been substituted wholly or in part for it.

Third. If any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it.

Fourth. If it is [in] imitation or sold under the name of another article.

Fifth. If it consists wholly or in part of filthy, diseased, decomposed, putrid, tainted, or rotten animal or vegetable substance or article, whether manufactured or not; or, in the case of milk, if it is the product of a diseased animal.

For the purpose of this act, the term filthy shall be deemed to apply to food not securely protected from flies, dust, dirt, and, as far as may be necessary, by all reasonable means, from all foreign or injurious contaminations.

Sixth. If it is colored, coated, polished, or powdered, whereby a damaged or inferior article is sold for an article of greater value than it really is, or if by any means it is made to appear better or of a greater value than it really is.

Seventh. If it contains any added substance or ingredient which is poisonous or injurious to health.

Eighth. Butter that contains more than 16 per cent water.

Ninth. Butter that contains less than 80 per cent of milk fat.

Tenth. Milk that contains more than 88 per cent water.

Eleventh. Milk that contains less than 3.2 per cent butter fat.

Twelfth. Milk that contains less than 8.5 per cent solids, other than butter fat.

Thirteenth. Ice cream that contains less than 8 per cent butter fat, except as otherwise provided in this act.

Fourteenth. Milk drawn from cows within 15 days next before and 5 days after parturition, or from cows fed on unwholesome food, or the flesh of any calf that has been slaughtered under the age of 4 weeks.

Fifteenth. Cream that contains less than 18 per cent butter fat.

Sixteenth. Candy containing terra alba, barytes, talc, chrome yellow, or any other mineral substances, poisonous color, or flavor, or other ingredient injurious or detrimental to the health of consumers.

Provided, That nothing in this act shall prevent the coloring of pure butter, cheese, or ice cream with harmless coloring matter: *Provided further*, That the provisions of subdivisions first, second, and third of this section shall not apply to a mixture or compound recognized as ordinary articles or ingredients of food in which every package sold or offered for sale has the name and address of the manufacturer and is distinctly labeled under its own distinctive

name and in a manner to plainly and correctly show that it is a mixture or compound.

SEC. 2. That section 55 of chapter 343 of the General Laws of Oregon for 1915 be, and the same is hereby, amended so as to read as follows:

SEC. 55. Ice cream shall be deemed adulterated, within the meaning of this act, if it shall not conform with [to] the following definitions and standards:

(a) Ice cream is the frozen product made from pure, wholesome sweet cream, sweet butter, or sweet evaporated, or condensed milk and sugar, with or without flavoring, and if desired, the addition of not to exceed 1 per cent by weight of a harmless thickener, and contains not less than 8 per cent by weight of milk fat, and the acidity shall not exceed three-tenths of 1 per cent.

(b) Fruit ice cream is the frozen product from pure, wholesome sweet cream, sweet butter, or sweet evaporated or condensed milk, sugar, and sound, clean, mature fruits, and if desired, the addition of not to exceed 1 per cent by weight of a harmless thickener, and contains not less than 6 per cent by weight of milk fat.

(c) Nut ice cream is the frozen product made from pure, wholesome sweet cream, sweet butter, or sweet evaporated or condensed milk, sugar, and sound, nonrancid nuts, and if desired, the addition of not to exceed 1 per cent by weight of a harmless thickener, and contains not less than 6 per cent by weight of milk fat.

SEC. 3. That section 56 of chapter 343 of the general laws of Oregon for 1915 be, and the same is hereby, amended so as to read as follows:

SEC. 56. Unwholesome ice cream is defined as: (a) Ice cream which is made, stored or held for sale in a dark, unclean, unventilated or insanitary basement, room, booth or store, or under conditions in violation of any of the provisions of this act relating to cleanliness, sanitation, and ventilation, or protection against contamination.

(b) Ice cream that has been made in an unclean or insanitary freezer or utensil.

(c) Ice cream that has been held for sale or stored for more than 10 days in any store or booth.

(d) Ice cream that has been refrozen after being exposed for sale in any store or booth.

(e) Ice cream that contains disease-producing germs or that contains an excessive number of bacteria.

(f) Ice cream that has been manufactured in any room located on the same floor level of a building as that on which any toilet or lavatory is located, unless the room in which such ice cream is manufactured is wholly separated by tightly celled partitions from such other parts of such floor level, free from use as a passageway and used exclusively for the manufacture of ice cream.

(g) Ice cream manufactured from cream or milk which has been exposed for mixing, or mixed, for manufacture into ice cream, except in a room used exclusively for the purpose of mixing and freezing ice cream, so located as to permit direct ventilation and free circulation of air to all parts thereof, and so constructed and maintained as otherwise provided by this act to afford protection against flies, dust, dirt, and other foreign substances or injurious contaminations.

It shall be unlawful to sell, offer, or expose for sale ice cream other than such as has been manufactured, stored, and kept in conformity with the requirements of this act, or to sell or offer for sale ice cream that has been stored or kept in cabinets or other receptacles wherein other food products, vegetables, or other articles are kept or stored for cooling or otherwise, and the lid shall be kept thereon to prevent outside contamination: *Provided*, That ice-cream factories

now established and operating in conformity with the laws and regulations now in force in this State shall be allowed six months after the passage of this act in which to make such alterations or changes in the construction of their factories as may be necessary to comply with the provisions of this act: *And provided further*, That during said period allowed for making such alterations the product of ice-cream factories now in operation and as now constructed may be sold without violating the provisions of this act.

SEC. 4. That section 87 of chapter 343 of the General Laws of Oregon for 1915 be, and the same is hereby, amended so as to read as follows:

SEC. 87. No person or persons shall be allowed to maintain living or sleeping quarters or to sleep in any room of any bakeshop, kitchen, confectionery, [or?] ice-cream factory where food is prepared for sale, and each day that a violation of this section shall continue after the passage of this act shall be deemed and held to be a separate violation of this act.

Hotels and Restaurants—Sanitary Regulation. (Reg. Bd. of H., Aug. 27, 1919.)

SEC. 69. (a) It shall be the duty of every person keeping, managing, or operating a hotel to see that every room and bed which has been occupied by any person known to such keeper, proprietor, or operator to have any infectious, contagious, or communicable disease at the time of such occupancy to see [sic] that such room and bed are thoroughly disinfected in the method prescribed by the State board of health before permitting such room to be occupied by any other person.

(b) The proprietor of every hotel or restaurant shall keep the same clean and in a sanitary condition.

(c) Every hotel and restaurant must be provided with pure and unpolluted water. The use of the common drinking cup is prohibited.

(d) The proprietor or keeper of every hotel or restaurant must screen the doors, windows, and all openings of the kitchen and dining room with wire cloth or wire gauze with 18 mesh to the square inch. Every hotel must have all bedroom windows screened for protection against flies, mosquitoes, and other insects.

(e) All hotels shall hereafter provide each bed, bunk, cot, or other sleeping place for the use of guests with pillow slips, under and top sheets. All such sheets and pillow slips after being used by one guest must be washed and ironed before being used by another guest, a clean set being furnished each succeeding guest.

(f) All hotels shall furnish each guest with a clean towel, and the use of the roller towel is prohibited.

(g) The refrigerator, ice boxes, and cold-storage rooms of all hotels or restaurants must be free from foul and unpleasant odors, mold, and slime. The kitchen must be well ventilated and lighted, the floor clean, and the side walls and ceiling free from cobwebs and accumulated dirt.

(h) All dishes, tableware, and kitchen utensils must be thoroughly washed and rinsed in clean water after using; food served to customers and then returned to the kitchen or serving room must not again be served.

(i) All garbage must be kept covered in barrels or galvanized-iron cans and removed daily.

(j) Spittoons must not be used in the dining room or other places where food is served.

(k) Toilets for employees or public use shall not be located in rooms used for preparing or storing of food.

(l) Toilets with cesspools on grounds adjoining hotels or summer resorts must at all times be kept in a sanitary condition and disinfected and moved at least once a year.

(m) No person suffering from tuberculosis, ophthalmia, or any infectious or contagious disease, externally visible or not, or any skin disease shall be employed in or about any part of a restaurant or its kitchen, or handle any foodstuffs or products used therein.

(n) All restaurants shall provide, in places where foodstuffs are kept, prepared, cooked, or served to customers, full protection from dust, dirt, flies, and vermin, by glass cases, wire screens, and other modern methods, and shall cause the abatement and destruction of vermin and flies wherever found.

(o) All restaurants shall be equipped with covered metallic cans for retaining and keeping their garbage and waste in a sanitary manner, which shall be kept in such place or manner as will preclude nuisance and contamination of the kitchen and such rooms from odors and from all possibilities therefrom, and when necessary shall use disinfectants.

(p) No hotel shall keep a hogpen or stable nearer than 200 feet therefrom.

Bovine Animals—Tuberculin Test—Appraisal and Slaughter of Tuberculous Animals—Quarantine—Compensation of Owners of Destroyed Animals.
(Ch. 413, Act Mar. 4, 1919.)

SEC. 4. That section 23 of chapter 14 of the general laws of Oregon for 1913 be, and hereby is, amended to read as follows:

SEC. 23. The State veterinarian or any of his deputies or the county veterinarian or the inspectors of the bureau of animal industry, or any other officer or person upon whom like powers are in this act conferred, shall possess authority to test with tuberculin any bovine animal kept or herded within this State, subject to such rules and regulations as the board may enact; and when such bovine animal is found by the officer making the test to give what the State live-stock sanitary board shall have prescribed by its rules to be a clearly defined reaction to such test, the said animal shall be considered to be affected with bovine tuberculosis and shall be marked or branded in such manner as the board shall designate. If the owner or owners of such reacting animal shall then desire to keep it, such option is allowed, provided the animal does not, in the judgment of the officer making the examination and test, show evidence of physical breakdown, then or at any time thereafter, probably due to the disease, and it shall then be the duty of the State veterinarian or his deputy to place such animal in quarantine, and the owner or owners thereof, their agents or employees, shall maintain the said animal in quarantine as prescribed by the State veterinarian or his deputy, and the product or products of such reacting animal shall only be disposed of under such restrictions as the State live-stock sanitary board shall designate. If the owner of any such reacting bovine animal shall desire to slaughter it and to receive indemnity therefor as hereinafter provided, he shall be required by the board before such slaughter to execute an agreement with the board that he will thoroughly clean and disinfect all premises that may have been infected by such reacting animal and make all reasonable needed sanitary improvements in such manner as the said board shall prescribe; will have his entire herd of bovine animals tested with tuberculin by the State veterinarian or deputy at such time as the board will designate; will cause to be tested with tuberculin all bovine animals he shall purchase or obtain, before they shall be mixed with any other animals. Such agreement shall be in duplicate, one copy to be retained by the signer, and in such form as the board shall designate, and shall be signed by the

owner or owners or their agents, and shall be in effect for a period of two years from the date thereof.

After such agreement had been executed it shall be the duty of the State veterinarian or deputy to see that the animal is slaughtered and the carcass disposed of in accordance with the meat-inspection regulations of the United States Department of Agriculture, or in such manner as the State live-stock sanitary board shall prescribe. If upon examination the carcass or parts thereof shall be found of value, the owner shall be entitled to receive such sum as may be obtained therefor, less any expense of the handling and sale. When the animal is to be slaughtered as herein provided, the State veterinarian or deputy shall make and deliver to the owner a certificate, which may cover any number of animals belonging to the same owner, showing the age and description of each animal tested and found to give clearly defined tuberculin reaction and which the owner has elected to slaughter, the name and place of test, the mark or brand placed upon each of such animals evidencing their condition as tuberculous, and any other mark or brand which the animal may bear, the date when and the place to which the animal was sent for slaughter, the designation of the officer who is to supervise the slaughter, the name and address of the owner of the animal, and the fact that he has executed the agreement hereinbefore provided for. The consent of the owner to the slaughter shall be indorsed or written on said certificate. Prior to slaughter or at the time thereof an appraisement shall be made of all animals elected to be slaughtered. Such appraisement shall be made jointly by representatives of the United States Bureau of Animal Industry: *Provided*, Such bureau has superintended the testing and inspection of such herd or animal, and a veterinarian of the State, county, or municipality. If the representative of the United States Bureau of Animal Industry and the representative of the State, county, or municipality shall disagree as to the amount of the appraisal, or if the owner refuses to accept the appraised value, the animal shall be appraised in the same manner as when tested by the State, county, or municipality. In such instances the veterinarian making the test or supervising the slaughter and the owner or party in charge of the animal or animals shall make the appraisal. In the event of their failing to agree upon the value of the animal the county judge of the county in which the animal is located shall appoint a disinterested practical dairyman or live-stock breeder, who shall serve as a third arbitrator, and the decision reached by any two of these three appraisers shall be final. The appraiser appointed by the county judge shall be paid a per diem of \$3 per day and mileage of 10 cents per mile one way by the owner of the cow or cattle. Such moneys shall be paid by the county court out of the indemnity moneys due the owner.

The officer supervising the slaughter shall immediately after the same indorse upon or add to the foregoing certificate that he has witnessed the slaughter of each of said animals, the place and date thereof; that the number, age, description, and brand correspond to those given in the certificate of the officer who made the former certificate; and shall state the disposition made of the carcass. The slaughter may be supervised and certificate thereof may be made by the State veterinarian or any of his deputies, or any person possessing the authority of a deputy, or by any officer of the United States Bureau of Animal Industry. The board may require such other particulars to be added to either of said certificates or the affidavit hereinafter required, and may make and enforce such rules and regulations governing the handling, shipping, and slaughter of such animals as may be found necessary. After such reacting animals shall have been slaughtered as herein provided for, the owner or owners thereof shall within 30 days file with the county court of the county

in which the said animal or animals were owned at the time they were tested as herein provided the foregoing certificates, together with his claim for indemnity verified as an affidavit, setting forth the number of animals slaughtered, the date and place of tuberculin test and of slaughter, the number over 2 years of age, the number over 1 year and under 2 years, that the animals are the same identical animals described in the accompanying certificates of the officers making the test and supervising the slaughter, the name of the person who supervised the slaughter, that all of the animals for which indemnity is claimed had been continuously in this State for one year next preceding the date on which they were tested with tuberculin, or that the certificate is produced hereinafter mentioned in subdivision (6), that they had been owned in said county for a period of 30 days next preceding the date on which they were tested with tuberculin, that each of said animals had reacted to said test, the name of the officer who made the test, that none of the animals were steers or castrated bulls, and that affiant has thoroughly cleaned and disinfected his premises and made ordered sanitary improvements and complied with all the regulations of the board in respect thereto and in respect to the remainder of his herd, and if any of the said slaughtered animals were registered in any registry of blooded stock recognized by the Bureau of Animal Industry of the United States Department of Agriculture, then the names and registry numbers, the ages, and other particulars concerning said registration. Such affidavit shall also show that none of the exceptions hereinafter stated which would exclude the claim for indemnity apply as to any of the animals slaughtered. The court shall set down such claim for hearing and any person may appear and show cause against it.

A notice of such hearing may be ordered by the county court posted by the claimant in three public places in the county for at least one week in advance thereof and proof thereof filed. If the said county court, upon examination of the certificates filed as aforesaid, and of the affidavit of the claimant and any other evidence that may be presented, shall find that the claim is regular and the facts therein set up are true, and that the claimant is entitled to indemnity as herein provided, the county court shall make an order allowing to the claimant as indemnity money the deficit between the salvage money derived from the sale of the carcass, if such there be, and the appraised value: *Provided*, That in no case shall the county court be required to make an order and pay any deficiency that will make the total amount received by the owner from the State and county more than \$15 for any grade heifer over 1 and under 2 years of age; or more than \$35 for any grade cow 2 years of age or over; or more than \$25 for any registered heifer or bull over 1 and under 2 years of age; or more than \$50 for any registered cow or bull 2 years of age or over, in which lesions of tuberculosis are demonstrated upon post-mortem examination: *And provided further*, That in no case shall the county court be required to make an order and pay any deficiency between the salvage money derived from the sale of the carcass and the appraised value of the animal that will make the amount received by the owner from the State and county more than 50 per cent additional for each animal as herein described in which no lesions of tuberculosis are demonstrated upon post-mortem examination.

One-half of said amount allowed as indemnity shall be paid upon order of the county court out of the general funds of the county. The county court shall transmit to the secretary of state a certified copy of its findings as to the amount of indemnity payable to the claimant, and the secretary of state shall then issue his warrant upon the State treasurer in favor of the claimant for the remaining one-half of the indemnity allowed, which shall be paid out of the

moneys appropriated under this act. The right to indemnity shall not exist nor shall payment be made in either of the following cases:

(1) For animals owned by the United States, this State, or any county, city, town, or village in this State.

(2) For animals brought into this State contrary to the provisions of this act, or where the owner of the animal or the person claiming compensation has failed to comply with the provisions of the same.

(3) When the owner or claimant at the time of coming into possession of the animal knew or had good reason to believe it to be afflicted with a contagious or infectious disease.

(4) When the animal slaughtered was diseased at the time of its arrival in this State.

(5) When the owner shall have been guilty of negligence or had willfully exposed such animals to the influence of a contagious or infectious disease.

(6) When the animal slaughtered shall have been brought into this State within one year prior to such slaughter, unless the owner or the person in charge produce the certificate of the duly qualified veterinary surgeon who is a graduate of a reputable veterinary college, issued within 10 days of the date of the importation, showing such animal to be free from tuberculosis at the time of its arrival in the State.

(7) When the animal was previously affected with any other disease which from its nature was incurable and necessarily fatal or which was in a dying condition when offered for slaughter.

Water Furnished to the Inhabitants of Towns and Cities—Protection from Pollution. (Ch. 183, Act Feb. 27, 1919.)

SECTION 1. Protection of water supply.—For the purpose of protecting the water furnished to the inhabitants of towns and cities within this State from pollution the said towns and cities are hereby given jurisdiction over all property acquired, owned, and occupied by the works, reservoirs, systems, springs, branches, and pipes, by means of which, and of all the lakes, rivers, springs, streams, creeks, or tributaries acquired by said towns and cities constituting the sources of supply from which such cities or towns or the companies or individuals furnishing water to the inhabitants of such cities or towns obtain their supply of water, or store or conduct the same, and over all property acquired for any of the foregoing works or purposes, or for the preservation and protection of the purity of the water supply, and over all property acquired and owned by said towns and cities within the areas draining into the lakes, rivers, springs, streams, creeks, or tributaries constituting such sources of supply whether the same or any thereof be within the corporate limits of such town or city or outside thereof; and authority is hereby conferred upon such towns and cities to prescribe by ordinance what acts shall constitute offenses against the purity of such water supply and the punishment or penalties therefor and to enforce said ordinances; and the mayor or authorities having control of the water system of such town or city is hereby authorized to appoint special policemen with such compensation as the proper authorities of said town or city may fix, who shall, after taking oath, have the powers of constables under the laws of this State, and who may arrest with or without warrant any person committing, within the territory over which such town or city is given jurisdiction by this act, any offense declared by law of this State, or by any ordinance of such town or city, against the purity of such water supply, or any violation of any rule or regulation lawfully promulgated by the "State board of health," or the authorities having control of the water system of any such town or city, for the protection of

the purity of such water supply. Such policeman shall be, and he is hereby, authorized to forthwith take any such person arrested for any such offense or violation aforesaid before any court having jurisdiction thereof to be proceeded with according to law. Every such special policeman shall, when on duty, wear in plain view a badge or shield bearing the words, "special police," and the name of the town or city for which he shall be appointed as aforesaid.

SEC. 2. Pollution prohibited; removal of nuisance; penalty.—The establishment or maintenance of any slaughter pen, stock-feeding yards, hogpens, or the deposit or maintenance of any uncleanly or unwholesome substance, or the conduct of any business or occupation, or the allowing of any condition upon or sufficiently near the sources from which the supply of water for the inhabitants of any such city or town is obtained, or where such water is stored, or the property or means through which the same may be conveyed or conducted so that such water would be polluted or the purity of such water or any part thereof destroyed or endangered, is hereby prohibited and declared to be unlawful, and is hereby declared to be and constitute a nuisance, and as such to be abated as other nuisances are abated under the provisions of the existing laws of the State of Oregon, or under the laws which may be hereafter enacted in relation to the abatement thereof; and that any person or persons who shall do, establish, maintain, or create any of the things hereby prohibited for the purpose of or which shall have the effect of polluting any such sources of water supply, or water, or endangering the purity thereof, or shall do any of the things hereby declared to be unlawful, shall be deemed guilty of creating and maintaining a nuisance, and may be prosecuted therefor, and upon conviction thereof may be fined in any sum not exceeding \$500.

SEC. 3. Prosecutions for nuisances.—If upon the trial of any person or persons for the violation of any of the provisions of this chapter such person or persons shall be found guilty of creating or maintaining a nuisance as hereby defined, or of violating any of the provisions of this chapter, it shall be the duty of such person or persons to forthwith abate such nuisance, and in the event of their failure so to do within one day after such conviction, unless further time be granted by the court, a warrant shall be issued by the court wherein such conviction was obtained, directed to the sheriff of the county in which such nuisance exists, and the sheriff shall forthwith proceed to abate the said nuisance, and the cost thereof shall be taxed against the party so convicted as a part of the costs of such case.

SEC. 4. Duty of health officers.—It is hereby made the duty of the city health officer, city physician, board of public health, mayor of the city, or such other officer as may have the sanitary condition of such city or town in charge, or charge of the water system or supply of any such city or town, to see that the provisions of this chapter are enforced, and upon complaint being made to any such officer to immediately investigate the said complaint and if the same shall appear to be well founded it shall be, and is hereby, declared to be the duty of such officer to proceed and file a complaint against the person or persons violating any of the provisions of this chapter and cause the arrest and prosecution of such person or persons.

SEC. 5. Injunction proceedings.—Any city supplied with water from any source of supply as hereinbefore mentioned, or any corporation owning waterworks for the purpose of supplying any city or the inhabitants thereof with water, in the event that any of the provisions of this chapter are being violated by any person may, by civil action in the circuit court of the proper county, have the maintenance of the nuisance which pollutes or tends to pollute the said water, as provided for by section 2, enjoined, and such injunction may be perpetual.

Water Supplies—Prevention of Pollution—Approval of Plans—Inspections and Analyses. Sewage—Sanitary Disposal. (Ch. 264, Act Mar. 1, 1919.)

SEC. 97. In the interest of the public health, every person, company, or municipal corporation or agency thereof selling water to the public for drinking and household purposes shall take every reasonable precaution to protect from contamination and assure the healthfulness of such water, and any provisions in any charters heretofore granted to such persons, companies, or municipal corporations in conflict with the provisions of this section are hereby repealed. The State board of health shall have the general oversight and care of all inland waters, and shall from time to time, as it may deem advisable, cause examination of said waters and their sources and surroundings to be made for the purpose of ascertaining whether the same are adapted for use as water supplies for drinking and other domestic purposes, or are in a condition likely to impair the interests of the public or of persons lawfully using the same, or to imperil the public health. For the purpose aforesaid, it may employ such expert assistants as may be necessary. The said board shall make such reasonable rules and regulations as in its judgment may be necessary to prevent contamination and to secure other purifications as may be required to safeguard the public health.

The State board of health shall from time to time consult with and advise the boards of all State institutions, the authorities of cities and towns, corporations, or firms already having or intending to introduce systems of water supply, drainage, or sewerage, as to the most appropriate source of supply, the best practical methods of assuring the purity thereof, or of disposing of their drainage or sewage, having regard to the present and prospective needs and interests of other cities, towns, corporations, or firms which may be affected thereby.

SEC. 98. Any incorporated town or city in the State desiring to provide a new water supply or to change, modify, or extend an old water supply for drinking or culinary purposes or for use in swimming pools, or any person or corporation who shall undertake to provide a new water supply for a town or city or for any number of persons exceeding 10 families, or a total of 50 persons, shall, before performing any work on the ground other than making examination or surveys for the preparation or provision of such water supply, submit to the State board of health plans showing the source of the supply and the transmission and distribution systems, with further information as to the amount proposed to be taken and transmitted, the drainage areas from which the waters are to be derived, the purity and wholesomeness of the supply, the kind and character of the works for gathering, storing, and transmitting the water, and the number of persons to be supplied, together with any additional data which the board of health may require as in its judgment proper to enable it to pass intelligently upon the effect of such water supply upon the public health. No such work shall be undertaken or proceeded with until the board of health shall have approved such plans, either as originally offered or as modified pursuant to its requirements.

SEC. 99. Any city or town in the State proposing a sewer system, or any individual or corporation proposing to install a system of sewerage or disposal of waste products, for the use of more than 5 families or 50 persons shall, before undertaking any work on the ground other than making surveys and preliminary plans submit to the State board of health the full plans and specifications for the system, showing particularly the location of the outfall and the streams or other places of final disposal, and the method, if any, for the reduction, purification, or use of the sewage. No such plan shall be proceeded

with or work done thereon until the plans and specifications, either as originally proposed or modified, are approved by the State board of health.

SEC. 100. All municipalities operating water systems and sewer systems, and all water companies operating under charter from the State or license from municipalities, which may maintain public water supplies, may acquire by condemnation such lands and rights in lands and water as are necessary for the successful operation and protection of their plants, said proceedings to be the same as prescribed by law for acquiring right of way by railroad companies.

SEC. 101. For the purpose of providing water supplies, the directors or other lawful managers of any public institution of the State may enter upon the lands through which they desire to conduct their pipes for said purpose, and lay them underground, and they at all times shall have the right to enter upon said lands for the purpose of keeping the water line in repair and do all things to that end.

SEC. 102. If damages shall be claimed for the use of such lands, and the parties can not agree as to the amount of compensation to be paid, they may proceed in the manner now provided by law for railroad companies to procure right of way.

SEC. 103. For the purpose of determining the purity of all water supply used for culinary or drinking purposes used in the preparation of all articles for food consumption by schools, towns, cities, or food manufacturers [sic], there shall be submitted monthly, or oftener if required, to the State board of health laboratory, officially collected samples of such water by the county and city health officers in their respective districts; said laboratory to report the result of its analysis to the said county or city health office, and when such water is condemned as unfit for the purposes intended the users thereof shall be notified and such water shall not be used without its being sterilized until its purity is reestablished in accordance with the rules and regulations of the State board of health.

SEC. 104. Any waterworks, municipal or privately owned, that derive their water from a surface supply shall have a quarterly sanitary inspection of the entire watershed, except in those cases where the supply is taken from large creeks or rivers that have a minimum daily flow of 10,000,000 gallons, in which case the inspection shall apply to the 15 miles of watershed above the waterworks intake. Such municipalities or water companies shall cause to be made a sanitary inspection of any particular locality on said watershed at least once in every week, whenever in the opinion of the board of health of the city or town to which the water is supplied or in the opinion of the county health officer or of the State board of health there is special reason to apprehend the infection of the water from that particular locality. The inspection of the entire watershed as herein provided for shall include a particular examination of the premises of every inhabited house on the watershed, and, in passing from house to house, a general inspection for dead bodies of animals or accumulation of filth. It is not intended that the term "entire watershed" shall include uninhabited fields and wooded tracts that are free from suspicion. The inspection shall be made by an employee of and at the expense of said water company in accordance with reasonable instructions as to methods, scope, and details to be furnished by the secretary of [the] State board of health.

The said sanitary inspector shall give in person to the head of each household on said watershed, or, in his absence, to some member of said household, the necessary directions for the proper sanitary care of his premises. It shall further be the duty of said inspector to deliver to each family residing on the watershed such literature on pertinent sanitary subjects as may be supplied him by the municipal health officer or by the secretary of the State board of

health. Full reports in duplicate of all such inspections shall be made promptly to the secretary of the State board of health and their accuracy certified to by the affidavit of the inspector, or such officer or person as the said secretary may direct.

SEC. 105. Failure on the part of those having in charge the management of public water supplies to comply with the law requiring sanitary inspections of watersheds shall be a misdemeanor: *Provided*, The said official does not prove to the satisfaction of the court that, in spite of reasonable effort and diligence on his part, he was prevented, directly or indirectly, by his superiors from doing his duty in this respect; in which case the said superior officer shall be deemed guilty of a misdemeanor.

SEC. 106. Each sanitary inspector herein provided for is authorized and empowered to enter upon any premises and into any building upon his respective watershed for the purpose of making the inspections required.

SEC. 107. Every person residing on or owning property on the watershed of a lake, pond, or stream from which a drinking supply is obtained shall carry out such reasonable instructions as may be furnished him in the matter hereinbefore set forth directly by the municipal health officer or by the State board of health. Anyone refusing or neglecting to comply with the requirements of this section shall be guilty of a misdemeanor.

SEC. 108. No person, firm, corporation, or municipality shall flow or discharge sewage or waste water above the intake into any drain, brook, creek, or river from which a public drinking water supply is taken, unless the same shall have been passed through some well-known system of sewage purification approved by the State board of health; and the continued flow and discharge of such sewage may be enjoined upon application of any person.

SEC. 109. All schools, hamlets, villages, towns, or industrial settlements which are now located or may be hereafter located on the shed of any public water supply not provided with a sewage system shall provide and maintain a reasonable system, approved by the State board of health, for collecting and disposing of all accumulations of human excrement within their respective jurisdiction or control. Anyone refusing or neglecting to comply with the requirements of this section shall be guilty of a misdemeanor.

SEC. 110. No burying ground or cemetery shall be established on the watershed of any public water supply nearer than 500 yards of the source of supply.

SEC. 111. As a check and guaranty of the faithful performance of the requirements laid down in sections 97 to 110, inclusive, the State boards of health shall make or have made by its authorized agents such inspections of watersheds and such chemical and bacteriological examinations of the public water supplies of the State as may be deemed necessary to insure their purity. Should such inspection or examination show conditions dangerous to the public health, the secretary of the said State board of health shall notify the mayor, the municipal health officer, and the superintendent or manager of the waterworks at fault and demand the immediate correction of said dangerous conditions.

SEC. 112. If any person shall in any way intentionally or maliciously damage or obstruct any water line of [a] public institution, or in any way contaminate or render the water impure or injurious, he shall be guilty of a misdemeanor.

SEC. 113. Any person who shall place or cause to be placed within any watershed from which any city or municipal corporation of this State or any adjoining State obtains its water supply any substance which, either by itself or in connection with other matter, will corrupt, pollute, or impair the quality of said water supply, or the owner of any dead animal who shall knowingly leave or cause to be left the carcass or any portion thereof within any such

watershed in such condition as to in any way corrupt or pollute such water supply, shall be deemed guilty of a misdemeanor.

SEC. 116. It shall be unlawful for any person or persons, company, association, or corporation to put or deposit in the Deschutes River in the State of Oregon, or any tributary thereof, or artificial canal or ditch in which the waters of said Deschutes River runs, any sewage, refuse, waste, or polluting water, or any dead-animal carcass or part thereof, or any matter which, either by itself or in connection with any other substance, will corrupt or impair the quality of the water of said river for domestic or municipal purposes, or to place any such substance in such position that is [it?] shall escape or be carried into said waters by the action of the elements or otherwise.

SEC. 117. Any person or persons who shall put any sewage, drainage, refuse, or polluting matter, or any dead-animal carcass or part thereof, excrement, putrid, nauseous, decaying, deleterious, or offensive substance, which, either by itself or in connection with other matter, will corrupt or impair the quality of the water for domestic or municipal purposes, into the water of the North Umpqua River or tributaries thereof above the Winchester power dam, in Douglas County, Oreg., said dam being located between the points, to wit, where said river is crossed by the Oregon & California Railroad and the county bridge spanning said stream 1,500 feet more or less east of said railroad crossing, or allow any such substance to escape into or place any such substance in such position that it shall escape or be carried into said waters, or in any other manner not herein named shall befoul, pollute, or impair the qualities of such waters for domestic or municipal purposes, shall be deemed guilty of a misdemeanor.

**Water Supplies—Protection from Pollution. Water and Sewer Systems—
Permit for Installation Required. (Reg. Bd. of H., Aug. 27, 1919.)**

SEC. 70. All persons now residing or who may hereafter take up residence upon any watershed, as described in chapter 183 of the General Laws of Oregon for 1919 and by the rules and regulations of the State board of health, shall refrain from any act or commission which would pollute any of the water supply mentioned and described in said chapter and regulations. All such persons shall install a system of sewage purification which shall be approved by the jurisdictional health officer, and shall obey any and all orders and regulations which may be applicable to local conditions as they may arise from time to time. Any and all matters pertaining to the subjects mentioned herein shall be referred to the State health officer for his approval.

SEC. 71. Whenever any of the cities or towns of the State of Oregon, as mentioned in chapter 183 of the General Laws of Oregon for 1919, shall seek or take steps to exercise authority or jurisdiction over any watershed, or any property owned or acquired by such municipal corporation for works, reservoirs, systems, branches, or pipes as mentioned in section 1 of said chapter, said municipal corporation shall first, by ordinance, define the limits of the territory or property over which it may seek or take steps to exercise such jurisdiction: *Provided*, That such ordinance or ordinances shall, before same are enforced, be approved by the State health officer: *Provided further*, That a copy of any and all ordinances passed by such municipal corporation pursuant to the authority granted in said chapter 183 shall be filed in the office of the Oregon State Board of Health within 30 days after the taking effect thereof.

SEC. 72. Permission to install water and sewer systems for the use of more than 5 families or 50 persons must be obtained from the State board of health before any work in connection therewith has been undertaken except as provided in section 98 and section 99 of [chapter 264 of] the General Laws of Oregon for 1919. Those concerned are hereby referred to said sections 98 and 99.

Schools—Water-Closets or Privies Required at. (Ch. 264, Act Mar. 1, 1919.)

SEC. 26. It shall be the duty of all boards of school directors in this State to provide suitable and convenient water-closets or privies for each of the schools under their charge, at least two in number, which shall be entirely separate each from the other, and having separate means of access. It shall be the duty of the school officers aforesaid to keep the same in a clean, chaste, and wholesome condition, and to clear the school ground of brush and other obstructions to a good view of the premises; and a failure to comply with the provisions of this subdivision on the part of the board of directors shall be sufficient grounds for removal from office and for withholding from any district any part of the 5-mill county school tax of the county. The expense incurred by the officers aforesaid in carrying out the requirements of this section shall be a charge upon the district, and a tax may be levied therefor without a vote of the district.

Common Drinking Cups—Use Prohibited in Certain Places. (Reg. Bd. of H., Aug. 27, 1919.)

SEC. 60. The use of the common drinking cup on railroad trains, in railroad stations, in the public and private schools, [and] in all the educational institutions of the State of Oregon is hereby prohibited. No person or corporation in charge or control of any railroad station, or any railroad train, electric car, or any public conveyance or in any public or private school or any State educational institution shall furnish any drinking cup for public use, and no such person or corporation shall permit on said railroad train or station, or on said electric car or at said public or private school or said State educational institution or on said public conveyance, the use of the common drinking cup.

Births and Deaths—Registration. Marriages—Reports by County Clerks. Hospitals and Other Institutions—Records to be Made of Personal and Statistical Particulars Relative to Persons Admitted or Committed to. (Ch. 264, Act Mar. 1, 1919.)

SEC. 119. That is [it?] shall be the duty of the State board of health to have charge of the State system of registration of births and deaths and to prepare the necessary rules, forms, and blanks for obtaining records and to insure the faithful registration of the same. The secretary of the State board of health shall be ex officio State registrar and shall have general supervision over the system of vital statistics, hereby authorized, and shall be charged with the uniform and thorough enforcement of this law throughout the State, and shall, from time to time, recommend any additional forms and amendments that may be necessary. The State board of health is authorized to appoint, when necessary, an assistant State registrar who shall be assistant secretary of the State board of health, and to employ the necessary clerical assistants to properly record, index, and classify the returns of vital statistics herein provided for.

SEC. 120. That for the purpose of this act the State shall be divided into registration districts as follows: Each city and incorporated town of 2,000 population and over shall constitute a primary registration district, and each county, exclusive of the portion included within cities and incorporated towns, as above provided, shall be subdivided by the State registrar into districts in such manner as may appear necessary for the convenience of the people, and each such district shall constitute a primary registration district, and each primary registration district shall be numbered by the State registrar.

SEC. 121. The health officer of each city and incorporated town of 2,000 population and over shall be the local registrar in and for such primary registration district, and shall perform all the duties of local registrar as hereinafter provided: *Provided, however,* He shall receive no additional compensation therefor.

SEC. 122. It shall be the duty of the county clerk of each county to report to the secretary of the State board of health, on or before the 5th day of each month, the number of marriages for the preceding month, with such facts relating thereto as may be provided for by blank furnished to such clerk by the secretary of the State board of health.

SEC. 123. That it shall be unlawful for any person to inter, deposit in a vault, grave, or tomb, cremate, or otherwise dispose of, or disinter or remove from one registration district to another, or hold for more than 72 hours after death, the body or remains of any persons [sic] whose death occurred in this State or any body which shall be found in this State, without obtaining from the local registrar of the district in which the death occurred, or in which the body was found, and having a permit for the burial, disinterment, or removal of such body: *Provided,* That any licensed embalmer of this State may temporarily remove any such body of a person dying in this State from the place where death occurred outside the corporate limits of any city or town of 2,000 population or more to another registration district for the purpose of preparing the same for burial without having first obtained a removal permit, but in such case the embalmer shall, at the time of securing a burial, removal, or transit permit for such body, file with the registrar from whom such permit is secured, upon a blank to be furnished by the State registrar, a certificate in writing of such temporary removal, signed by the embalmer, and it shall be unlawful for any person to bring into or transport within the State, or inter, deposit in a vault, grave, or tomb, or cremate or otherwise dispose of the body or remains of any person whose death occurred outside the State unless such body or remains be accompanied by a removal or transit permit issued in accordance with the law and health regulations in force where the death occurred, or unless a special permit for bringing such body into this State shall be obtained from the State registrar.

SEC. 124. The stillborn children or those dead at birth shall be registered as births and also as deaths, and a certificate of both the birth and the death be filed with the local registrar in the usual form and manner, the certificate of birth to contain, in place of the name of the child, the word "stillbirth": *Provided,* That a certificate of birth and a certificate of death shall not be required for a child that has not advanced to the fifth month of uterogestation. The medical certificate of the cause of death shall be signed by the attending physician or midwife, if any, and shall state the cause of death as "stillborn," with the cause of the stillbirth, if known, whether a premature birth, and, if born prematurely, the period of uterogestation, in months, if known; and a burial or removal permit in usual form shall be required.

SEC. 125. That the certificate of death shall contain the following items:

(1) Place of death, including State, township, or town, village, or city. If in a city, the ward, street, and house number. If in a hospital or other institution, the name of the same to be given instead of the street and house number. If in an industrial camp, the name to be given.

(2) Full name of decedent. If an unnamed child, the surname preceded by "unnamed."

(3) Sex.

(4) Color or race, as white, black (Negro or Negro descent), Indian, Chinese, Japanese, or other.

(5) Conjugal condition, as single, married, widow, or divorced.

(6) Date of birth, including the year, month, and day.

(7) Age in years, months, and days.

(8) Place of birth, State or foreign country.

(9) Name of father.

(10) Birthplace of father, State or foreign country.

(11) Maiden name of mother.

(12) Birthplace of mother, State or foreign country.

(13) Occupation. The occupation to be reported of any person who had any remunerative employment, women as well as men.

(14) Signature and address of informant.

(15) Date of death, including the year, month, and day.

(16) Statement of medical attendants on decedent, fact and time of death, including the last time seen alive.

(17) Cause of death, including the primary and immediate causes, and contributory causes or complications, if any, and duration of each.

(18) Signature and address of physician or official making the medical certificate.

(19) Special information concerning deaths in hospitals and institutions, and of persons dying away from home, including the former or usual residence, length of time, and place of death, and place where disease was contracted.

(20) Place of burial or removal.

(21) Date of burial or removal.

(22) Signature and address of undertaker.

(23) Official signature of registrar, with date when certificate was filed, and registered number.

The personal and statistical particulars, items (1) to (13), shall be authenticated by the signature of the informer, who may be any competent person acquainted with the facts.

The statement of facts relating to the disposition of the body shall be signed by the undertaker or person acting as such.

The medical certificate shall be made and signed by the physician, if any, last in attendance on the deceased, who shall specify the time in attendance, the time he last saw the deceased alive, and the hour of the day at which death occurred. And he shall further state the cause of death, so as to show the course of disease or sequence of causes resulting in death, giving the primary and immediate causes, and also the contributory causes, if any, and the duration of each. Indefinite and unsatisfactory terms, indicating only symptoms of disease or conditions resulting from disease, will not be held as sufficient for issuing a burial or removal permit; and any certificate containing only such terms as defined by the State registrar as indefinite and unsatisfactory shall be returned to the physician for correction and definition. Causes of death which may be the result of either disease or violence, shall be

carefully defined; and, if from violence, its nature shall be stated, and whether accidental, suicidal, or homicidal, and in case of death in hospitals, institutions, or away from home, the physician shall furnish the information required under this head (Item 19), and shall state where, in his opinion, the disease was contracted.

SEC. 126. That in case of any death occurring without medical attendance 48 hours prior thereto, and under circumstances not requiring an investigation by the coroner, it shall be the duty of the undertaker, or any person acting as such, to notify the local registrar of the registration district where such death occurs of such death, and the local registrar shall at once investigate the circumstances of the case and make a certificate and return of death, noting upon the certificate the fact that such death occurred without medical attendance 48 hours prior thereto: *Provided*, If the local registrar is not a qualified physician, and the cause of death is obscure or uncertain, the local registrar shall refer the case to the health officer having jurisdiction over the locality where the death occurred for certification: *And provided further*, That if the circumstances of the case render it probable that the death was caused by unlawful means, the local registrar shall refer the case to the coroner.

SEC. 127. That it shall be the duty of every undertaker, or person acting as undertaker, to obtain a certificate of death and file the same with the local registrar, and secure a burial or removal permit, prior to any permanent disposition of the body. He shall obtain the personal and statistical particulars required, from the person best qualified to supply them, over the signature and address of such person, or state over his own signature that after careful inquiry he could not obtain such particulars. He shall then present the certificate to the attending physician, if any, or in case the death occurred without any medical attendance, to the proper official for certification as hereinabove provided, for the medical certificate of the cause of death and other particulars necessary to complete the record as hereinabove provided. And he shall state the facts required relative to the date and place of burial, over his signature and with his address, and present the completed certificate to the local registrar, for the issuance of a burial or removal permit. The undertaker shall deliver the burial permit to the sexton, or person in charge of the place of burial, or if there be no one in charge, then to the local registrar of the district in which the burial takes place, before interring the body; or shall attach the transit permit containing the local registrar's removal permit to the box containing the corpse when shipped by any transportation company, and said permit shall accompany the corpse to its destination: *Provided*, That when a body is removed from one registration district in Oregon to another for interment, cremation, or other permanent disposition not requiring the use of a common carrier or the issuance of a transit permit, the registrar's removal permit from the district where death occurred may be accepted as authority for burial in the other district. It shall be the duty of every person, firm, or corporation selling a casket to keep a record showing the name and post-office address of the purchaser, the name of the deceased and the date and place of death of the deceased, which record shall be open to inspection of the State registrar at all times, and it shall be the duty of every person, firm, or corporation selling caskets to report on the first day of each month to the State registrar each sale for the preceding month, on a blank provided for that purpose: *Provided, however*, That no person, firm, or corporation selling caskets to dealers or undertakers only shall be required to keep such record. It shall be the duty of every person, firm, or corporation selling a casket at retail, and not having

charge of the disposition of the body, to inclose within the casket a notice furnished by the State registrar calling attention to the requirements of law, a blank certificate of death, and a copy of the rules and regulations of the State board of health concerning the burial or other disposition of dead bodies.

SEC. 128. That if the interment, or other disposition of the body, is to be made within the State, the wording of the burial permit may be limited to a statement by the local registrar and over his signature, that a satisfactory certificate of death having been filed with him, as required by law, permission is granted to inter, remove, or otherwise dispose of the deceased; stating the name, age, sex, cause of death, and other necessary details upon the form prescribed by the State registrar.

SEC. 129. That it shall be unlawful for any person in charge of any premises in which bodies of deceased persons are interred, cremated, or otherwise permanently disposed of to permit the interment, cremation, or other disposition of any body upon such premises unless it is accompanied by a burial, removal, or transmit permit as hereinabove provided. It shall be the duty of the person in charge of any such premises to, in case of the interment, cremation, or other disposition of a body therein, indorse upon the permit the date and character of such disposition, over his signature, to return all permits so indorsed to the local registrar of his district within 10 days from the date of such disposition, and to keep a record of all bodies disposed of on the premises under his charge, stating in each case, the name of the deceased person, if known, the place of death, the date of burial or other disposition, and the name and address of the undertaker, which record shall at all times be open to public inspection; and it shall be the duty of every undertaker, or person acting as such, when burying a body in a cemetery or burial grounds having no person in charge, to sign the burial, removal, or transit permit, giving the date of burial, write across the face of permit the words "no person in charge," and file the burial request or transmit permit within 10 days with the registrar of the district in which the cemetery is located.

SEC. 130. That all births that occur in the State shall be immediately registered in the districts in which they occur, as hereinafter provided.

SEC. 131. That it shall be the duty of the attending physician or midwife to file a certificate of birth, properly and completely filled out, giving all of the particulars required by this act, with the local registrar of the district in which the birth occurred, within 10 days after the date of birth. And if there be no attending physician or midwife, then it shall be the duty of the father or the mother of the child, householder, or owner of the premises, manager or superintendent of public or private institution in which the birth occurred, to notify the local registrar, within 10 days after the birth, of the fact of such birth having occurred. It shall then, in such case, be the duty of the local registrar to secure the necessary information and signature to make the proper certificate of birth.

SEC. 132. That the certificate of birth shall contain the following items:

(1) Place and date of birth, including State, county, township or town, village or city. If in a city, the ward, street, and house number; if in a hospital or other institution, the name of the same be given instead of the street and house number.

(2) Full name of the child. If the child dies without a name before the certificate is filed, enter the words "died unnamed." If the living child has not been named at the date of filing certificate of birth, the space for "full name of child" is to be left blank, to be filled out subsequently by a supplemental report, as hereinafter provided.

(3) Sex of child.

(4) Whether a twin, triplet, or other plural birth. A separate certificate shall be required for each child in case of plural birth, giving the number of child in order of birth.

(5) Whether legitimate or illegitimate.

(6) Name of father.

(7) Residence of father.

(8) Color or race of father.

(9) Birthplace of father.

(10) Age of father at last birthday, in years.

(11) Occupation of father.

(12) Maiden name of mother, in full.

(13) Residence of mother.

(14) Color or race of mother.

(15) Birthplace of mother.

(16) Age of mother at last birthday, in years.

(17) Occupation of mother.

(18) Number of child of this mother and number of children of this mother now living.

(19) Whether precautions were taken against ophthalmia neonatorum.

(20) Whether alive or stillborn.

(21) Signature and address of physician or person reporting.

(22) Name of registrar.

(23) Date of filing.

SEC. 133. That when any certificate of birth of a living child is presented without statement of the given name, it shall be the duty of every local registrar to make out and deliver to the parents of such child a special blank for the supplemental report of the given name of the child, which shall be filled out as directed and returned to the registrar as soon as the child has been named. The original certificate of birth shall not be considered complete until the supplemental report is filed or the blank returned with the statement "died unnamed."

SEC. 134. That every physician, midwife, and undertaker shall, without delay, register his or her name, address, and occupation with the local registrar of the district in which he or she resides or may hereafter establish a residence, and shall thereupon be supplied by the local registrar with a copy of this act, together with such rules and regulations as may be prepared by the State registrar relative to its enforcement. Within 30 days after October 1 of each year each local registrar shall make a return to the State registrar of all physicians and midwives who have been registered in his district during the whole or any part of the preceding calendar year: *Provided*, That no fee or other compensation shall be charged by local registrars to physicians, midwives, or undertakers for registering their names under this section or making returns thereof to the State registrar.

SEC. 135. That all superintendents or managers or other persons in charge of hospitals, almshouses, lying-in or other institutions, public or private, to which persons resort for treatment of diseases, confinement, or are committed by process of law, are hereby required to make a record of all personal and statistical particulars relative to the inmates in their institutions, at the date of approval of this act, that are required in the form of the certificate provided for by this act, as directed by the State registrar; and thereafter such record shall be by them made for all future inmates at the time of their admission. And in case of persons admitted or committed for medical treatment of communicable disease, the physician in charge shall specify, for entry in the record, the nature of the disease, and where, in his opinion, it was contracted. The

personal particulars and information required by this section shall be so obtained they shall be secured in as complete a manner as possible from the relatives, friends, or other persons acquainted with the facts [sic].

SEC. 136. That the State registrar shall prepare, print, and supply to all registrars all blanks and forms used in registering, recording, and preserving the returns, or in otherwise carrying out the purposes of this act; and shall prepare and issue such detailed instructions as may be required to secure the uniform observances [sic] of its provisions and the maintenance of a perfect system of registration. And no other blanks shall be used than those supplied by the State registrar. He shall carefully examine the certificates received monthly from the local registrars, and if any such are incomplete or unsatisfactory he shall require such further information to be furnished as may be necessary to make the record complete and satisfactory, and shall cause such further information to be attached to and filed with the certificate. And all physicians, midwives, informants, or undertakers connected with any case, and all other persons having knowledge of the facts are hereby required to furnish such information as they may possess regarding any birth or death upon demand of the State registrar in person by mail or through the local registrar. He shall furnish, arrange, bind, and permanently preserve the certificates in a systematic manner and shall prepare and maintain a comprehensive and continuous card index of all births and deaths registered; the cards to show the name of child or deceased, place and date of birth or death, number of certificate, and the volume in which it is contained. He shall inform all local registrars what diseases are to be considered as communicable and dangerous to the public health as decided by the State board of health in order that when death occurs from such diseases proper precautions may be taken to prevent the spreading of dangerous diseases.

SEC. 137. If any cemetery company or association [sic], or any church or historical society or association, or any other company, society, or association, or any individual is in possession of any record of birth or death which may be of value in establishing the geneology of any resident of this State, such company, society, association, or individual may file such record or a duly authenticated transcript thereof with the State registrar, and it shall be the duty of the State registrar to preserve such record or transcript and to make a record and index thereof in such form as to facilitate the finding of any information contained therein. Such record and index shall be open to inspection by the public, subject to such reasonable conditions as the State registrar may prescribe. If any person desires a transcript of any record filed in accordance herewith, the State registrar shall furnish the same upon application, together with a certificate that it is a true copy of such record as filed in his office, and for his services in so furnishing such transcript and certificate he shall be entitled to a fee of 50 cents per hour or fraction of an hour necessarily consumed in making such transcript and to a fee of 25 cents for the certificate, which fees shall be paid by the applicant.

SEC. 138. That it shall be the duty of every local registrar to supply blank forms of birth certificates and death certificates to such persons as are required by this act to file the same in his office, to demand and procure the filing of such certificates within the time specified within this act, [and] to carefully examine each such certificate presented for filing to see that it is properly filled out and signed in accordance with the provisions of this act and the instructions of the State registrar. All birth and death certificates shall be legibly written in durable ink and be free from erasures and alterations, and no certificate shall be held to be complete that does not contain all the items of information called for therein or satisfactorily account for the omis-

sion. If any certificate presented for filing is incomplete, illegible, or not written in ink or contains erasures or alterations, the local registrar shall, in case of a birth certificate, immediately notify the person presenting the same of the defects therein and require him to file a proper certificate, and shall, in case of a death certificate, notify the person presenting the same of the defects therein and withhold the burial or removal permit until a complete and proper certificate is filed. Upon the filing of a complete and satisfactory death certificate the local registrar shall issue a burial or removal permit: *Provided*, That in case the death occurred from some disease that is declared by the State board of health to be communicable and dangerous to public health, no permit for the removal or other disposition of the body shall be granted by the local registrar, except under such conditions as may be prescribed by the State and local boards of health. It shall be the duty of every local registrar to number consecutively all birth and all death certificates accepted and filed by him, in two separate series beginning with "No. 1," with year prefixed for the first birth certificate and the first death certificate filed in each calendar year, and to indorse thereon the date of filing and attest the same with his signature. And it shall be the duty of each local registrar to make, on or before the 10th day of each calendar month, in such manner as shall be directed by the State registrar, a complete and accurate copy of each birth and each death certificate filed with him, and transmit the same to the county clerk of the county in which such birth or death occurred, as a permanent county record, the same to be arranged, bound, and preserved by the county clerk, in such manner as the State registrar shall direct, and to, on or before the 10th day of each calendar month, transmit to the State registrar all original certificates filed with him during the preceding month; and if no birth or death certificates have been filed during any month to, on or before the 10th day of the following month, report that fact to the State registrar on a card to be provided for that purpose. Certified copies of original certificates of birth or death filed in the office of the State registrar and certified copies of the local record of such certificates in any local registrar's office in any city or town of 2,000 inhabitants or over shall be prima facie proof of the facts therein stated in all actions and proceedings in all courts where proof of such facts is competent, and a certificate signed by the State registrar or any local registrar giving the name and date of birth and the names of the parents of any child as shown by the original birth certificate or the local record thereof shall be accepted as prima facie proof of the age of such child by the public-school authorities and by the authorities issuing employment permits for minors.

SEC. 139. That each local registrar shall be paid the sum of 25 cents for each birth or death certificate properly and completely made out and registered with him and by him returned to the State registrar on or before the 10th day of the following month, which sum shall cover and include the making out of the burial permit and copy of the certificate to be filed and preserved in his office. And in case no births or deaths were registered during any month the local registrar shall be paid the sum of 25 cents for each report to that effect, properly made out in accordance with the directions of the State registrar: *Provided*, That all local registrars who receive regular compensation as health officers shall not be entitled to the fee of 25 cents, above mentioned, but the duties of the local registrar shall be considered as a part of their [his] duty as local health officer. All accounts payable to local registrars under the provisions of this act shall be paid by the treasurer or other lawful officer, out of the funds of the county or city, upon warrants drawn by the county auditor, or other proper local officer of such county or city, which warrant

shall specify the number of certificates properly registered and reports promptly returned where no births or deaths are registered: *Provided, however, That no warrant shall be issued to any local registrar until he shall present a certificate from the State registrar stating the number of certificates and reports of no births and no deaths properly returned to the State registrar, which certificate the State registrar shall issue during the months of January, April, July, and October of each year after he shall [have] received the certificates and reports for the months next preceding.*

SEC. 140. That the State registrar or the county clerk shall, upon request, furnish any applicant a certified copy of the record of any birth or death registered under [the] provisions of this act, for the making and certification of which he shall be entitled to a fee of 50 cents, to be paid by the applicant. And any such copy of the record of a birth or death, when properly certified by the State registrar or county clerk to be a true copy thereof, shall be prima facie evidence in all courts and places of the facts therein stated. For any search of the files and records, when no certified copy is made, the State registrar shall be entitled to a fee of 50 cents for each hour or fractional hour of time of search, to be paid by the applicant. The State registrar shall keep a true and correct account of all fees by him received under these provisions and turn such fees over to the State treasurer on the 1st day of January, April, July, and October: *Provided, That in cities and towns of 2,000 inhabitants or more, as hereinbefore provided, certified copies of any birth or death may be furnished by the local health authorities, and any such copy of the record of the birth or death when properly certified by such authority shall be prima facie evidence in all courts and places of the facts therein stated by the proper health authority. The fee for such copy or search of record to be the same as herein provided, and all such fees shall be paid into the treasury of such cities: Provided, That the State registrar or any local registrar shall, upon request of any parent or guardian, supply, without fee, a certificate limited to a statement as to the date of birth of any child when the same shall be necessary for admission to school, or for the purpose of securing employment: And provided further, That the United States Census Bureau may obtain, without expense to the State, transcripts or certified copies of births and deaths without payment of the fees herein prescribed.*

SEC. 141. Every person who shall violate or willfully fail, neglect, or refuse to comply with any provision of this act shall be guilty of a misdemeanor, and every person who shall willfully furnish any false information for any certificate required by this act or who shall make any false statement in any such certificate shall be guilty of a gross misdemeanor.

Births and Deaths—Registration. Marriages—Reports by County Clerks.
(Reg. Bd. of H., Aug. 27, 1919.)

SEC. 73. All of the laws and regulations regarding vital statistics are not contained in this compilation, and those concerned are referred to sections 119 to 148, inclusive, of chapter 264 of the General Laws of Oregon for 1919.

The health officer in cities and incorporated towns of 2,000 population and over is ex officio local registrar for his city or town. If his district embraces extramural territory, he is entitled to compensation for recording all certificates from such extramural territory; otherwise he serves without compensation except for his salary as health officer. All deaths occurring in the State of Oregon shall be registered before the body can be buried or otherwise disposed of or removed from the district where the death occurred; and all births shall be registered within 10 days after birth. The presentation of completely

filled death certificates shall be made to local registrars by undertakers or persons acting as such.

(a) The issuing of burial removal permits by local registrars shall be done upon the receipt of death certificates. A licensed embalmer may temporarily remove a body within the State, when death occurred outside the corporate limits of any city or town of 2,000 population or more to another registration district for the purpose of preparing the body for burial; but the embalmer must file with the registrar when he secures the burial permit or transmit permit a certificate in writing of such temporary removal. (This is not to be confused with the provisional certificate of death.)

(b) If circumstances render it impossible to procure a death certificate at the time of burial, a provisional death certificate may supplant temporarily the standard death certificate.

(c) The undertaker, or person acting as such, presents the burial permit to the sexton or other person in charge of cemetery.

(d) The sexton, 10 days after the receipt of the burial permit, returns the same to the local registrar who issued the permit.

(e) The local registrar of the registration district holds full supervision over all deaths occurring therein, and no undertaker or person acting as such shall dispose of bodies therein without the registrar's permit. Bodies to be shipped to another State must have a transit permit issued by the local registrar in charge of the district in which the person died.

(f) The death of a person must be reported to the local registrar within 72 hours.

(g) The local registrar shall number birth and death certificates in the order in which received and enter them in the record book furnished for that purpose. When a correct and complete certificate of birth or death is filed with the local registrar he shall sign his name as local registrar in attest of the date of filing, number the certificate in the order of its filing and enter the same on his record book, numbering and dating the same as the original certificate. Certificates shall be numbered in a series for the calendar year beginning with No. 1 for the first birth and the first death received for the month of January or for the previous months received too late to be included with the December report which is mailed to the State registrar, Selling Building, Portland, on January 10 of each year. On the 10th day of each month, not before, and should not be later, the local registrar must send all the original certificates filed with him during the preceding calendar month to the State board of health. When no births or deaths have occurred in the district, then the local registrar shall fill out a "No birth or death" card, sign the same and mail to the State board of health on the 10th day of the month.

(h) Births occurring in the registration district must be reported to the local registrar in charge thereof within 10 days. The person in charge of the birth reports to the local registrar, whether a physician, nurse, midwife, neighbor, or parent.

(i) If the child has not been named at the time of the filing of the birth certificate, a supplemental birth report shall be left with the parents for the purpose of securing a report when the child is named. This supplemental birth certificate shall be filed with the local registrar. On the 10th day of each month the local registrar shall send the State registrar, Selling Building, Portland, original birth and death certificates received in the previous month, together with a monthly statement card indicating the total number of certificates sent in. If no birth or deaths occur in the registration district during the month, a "No birth or death" card shall be sent in stating the fact. For every birth and death certificate properly and completely made out, registered,

and mailed to the State board of health within the time specified by law, a fee of 25 cents will be paid. A fee of 25 cents will also be paid for each "No birth or death" card.

(j) The local registrar shall report to the State board of health within 30 days after October 1 of each year, on blanks furnished by the State board of health for the purpose, all physicians, midwives, and undertakers who have registered in his district during the preceding year.

(k) A local registrar shall upon relinquishment of his office for any cause turn over to his successor, upon the order of the State board of health, all books and supplies in his possession, and shall at all times take every precaution to safeguard the property entrusted to his care.

(l) Where death is supposed to have been caused by unlawful means, or where the cause of death is unknown, or caused by violence, it shall be the duty of the coroner to furnish the certificate of cause of death.

(m) Where a dead body is to be removed from one registration district to another by means of a common carrier a transit permit made out on the "Oregon transportation of corpse" blank must be made out and signed by the local registrar, the licensed embalmer, and the initial baggage agent, according to the rules for the transportation of corpse as given on the back of the "Oregon transportation of corpse" blank.

(n) When the record books of birth and death have been filled by the local registrar, such books should be turned over to the county clerk to form part of the county records.

(o) No dead human body which has been buried within the State of Oregon shall be disinterred except permission for such disinterment be first obtained from the local registrar having jurisdiction over the place of burial of such body, and such permission must have been approved by the State health officer. Before such permission shall be granted, the person desiring such interment [disinterment] shall apply to the local registrar for such permission; such application shall state the name of the deceased, the place and date of burial, the degree of relationship, if any, with the deceased, and the reason for disinterment.

(p) All registrars, whether State or local, are charged with the strict enforcement of the laws and rules and regulations pertaining to vital statistics. Any failure or neglect to abide by such laws and rules and regulations shall be prosecuted as provided in section 149 of [chapter 264 of] the General Laws of Oregon for 1919.

(q) It shall be the duty of the county clerk of each county to report to the secretary of the State board of health on or before the 5th day of each month the number of marriages for the preceding month, with such facts relating thereto as may be provided for by blanks furnished to such clerk by the secretary of the State board of health.

Dead Bodies—Transportation. (Reg. Bd. of H., Aug. 27, 1919.)

SEC. 74. RULE 1. A copy of the original death certificate on the standard certificate of death form, as signed by attending physician, permit of local registrar, and a transit label signed by a licensed embalmer, and initial baggage agent, shall be required for the transportation by common carriers of bodies of persons dying in the State. The death certificate shall contain such information as is required in the standard form of death certificate. The registrar's permit shall authorize the transportation of the body of the person described in the physician's certificate. The licensed embalmer shall state on the shipping label how the body is prepared, and the local baggage agent shall state thereon the route, name, and address of escort.

The registrar's permit shall be given the escort to be delivered with the body at destination. The shipping label shall be securely attached to the outside case. If the body is sent by express, the physician's certificate and the permit shall be attached to the express waybill and delivered with the body at the destination, and the shipping label shall be attached to the outside case.

RULE 2. The transportation of bodies dead of smallpox, plague, Asiatic cholera, typhus fever, diphtheria (membranous croup, diphtheretic sore throat), scarlet fever (scarlet rash, scarlatina), shall be permitted only under the following conditions:

The body shall be thoroughly embalmed with an approved disinfectant fluid; all orifices shall be closed with absorbent cotton, the body shall be washed with the disinfectant fluid, enveloped in a sheet saturated with the same and placed at once in the coffin or casket, which shall be immediately closed, and the coffin or casket or the outside case containing the same shall be metal or metal lined and hermetically and permanently sealed.

RULE 3. The transportation of bodies dead of any disease other than those mentioned in rule 2 shall be permitted under the following conditions:

(a) When the destination can be reached within 24 hours after death, the coffin or casket shall be encased in a strong outer box made of good sound lumber not less than seven-eighths of an inch thick, all joints must be tongued and grooved, top put on with cleats and cross pieces all put securely together and be tightly closed with white lead, asphalt varnish, or paraffin paint, and a rubber gasket placed on the upper edge between the lid and box.

(b) When the body can not reach its destination within 24 hours after death, the body shall be thoroughly embalmed and the coffin or casket placed in an outside case constructed as provided in paragraph (a).

RULE 4. No disinterred body dead of any disease or cause shall be transported by common carrier except by permit of the State board of health, and transit permit and transit label shall be required as provided in rule 1.

The disinterment of bodies dead of any disease or cause shall not be allowed except by permission of the State board of health.

All disinterred remains shall be inclosed in metal or metal-lined boxes and hermetically sealed: *Providing*, That bodies in a receiving vault, when properly embalmed by a licensed embalmer, shall not be regarded as disinterred bodies until after the expiration of 30 days.

RULE 5. The outside case may be omitted in all other instances where the casket or coffin is transported in hearse or undertaker's wagon.

RULE 6. Every outside case shall bear at least four handles and when over 5 feet 6 inches in length, shall bear six handles.

RULE 7. The term "approved disinfectant fluid," as used in these rules; means an embalming fluid that has been submitted to a bacteriological test and approved by the Oregon State Board of Health, or a fluid that contains not less than 5 per cent of formaldehyde gas; the term "embalming" as employed in these rules shall require the injection by licensed embalmers of not less than 10 per cent of the body weight, injected arterially in addition to cavity injection, and 12 hours shall elapse between the time of embalming and the shipment of the body. A 5 per cent solution of carbolic acid, a 1 to 500 solution of corrosive sublimate or 14 per cent of a 40 per cent solution of formaldehyde are approved as disinfectants for external washing of body when required by these rules. Other prepared disinfectants of equal germicidal action may also be used.

RULE 8. Any corpse shipped originally from any registration district within the State of Oregon, accompanied by a properly executed transit permit, to any other primary registration district within the State, may be transshipped

by surrendering the original transit permit to the local registrar and receiving in exchange a new transit permit, unless said body has been held over 30 days or has been interred, in which proceed under rule 4.

If corpse is routed to point of final destination on original transit permit and is accompanied by ticket which allows stop-over privileges, corpse may be held for funeral or for any other purpose temporarily at a stop-over point without additional transit permit being required.

RULE 9. Transportation of any body by common carrier in the State of Oregon is prohibited unless the body has been prepared for transportation by a licensed embalmer holding a license as such issued by the Oregon State Board of Health.

Embalmers—Licenses. (Ch. 264, Act Mar. 1, 1919.)

SEC. 142. No person shall embalm any dead human body in the State of Oregon without being licensed by the State board of health as hereinafter provided.

SEC. 143. The State board of health of the State of Oregon is hereby authorized and empowered to examine all applicants for license to practice embalming and to determine whether or not such applicants possess the necessary qualifications to properly embalm dead human bodies; and if upon such examination said board shall determine that such applicant is properly qualified to embalm dead human bodies it shall grant a license to such person to embalm human dead bodies for the current year.

SEC. 144.¹ The applicant for license shall at the time of application pay a fee of ten dollars (\$10). No person shall be granted any license unless he shall, in addition to other qualifications, be at least twenty-one (21) years of age, of good moral character, and shall have [had], for at least one year, (had) practical experience in embalming.

SEC. 145. Any person now holding a license from the State board of health as an embalmer shall be held to be licensed as an embalmer under the terms of this act, but all such licenses shall expire December 31 next. Any license may be renewed from time to time and shall be in force for a period of one year from the 1st day of the preceding January upon the payment of a renewal fee of \$1.

SEC. 146. The State board of health may revoke any license granted or may refuse to grant or renew a license upon the proof of the violation by the holder of such license or applicant for such license or renewal of the rules and regulations of the State board of health concerning the care, custody, or disposition of dead human bodies, or the disinfecting of premises where contagion exists or for want of moral character or of capacity.

SEC. 147. Any person who shall embalm a dead human body or who shall hold himself out as an embalmer thereof without being duly licensed as herein provided, shall be guilty of a misdemeanor.

Barbers—Sanitary Precautions by. (Ch. 264, Act Mar. 1, 1919.)

SEC. 32. Any person who shaves another person, who does not, before he again uses his tools, towels, or water [sic], subject them to [such] disinfection as may remove any virus, scale, or filth that may be on such tools, towels, or instrument, in accordance with the rules and regulations of the State board of health, shall be guilty of a misdemeanor and shall be punished as provided in this act.

¹ This is an exact copy of the section as printed in the session laws.

Barbers and Barber Shops—Regulation. (Reg. Bd. of H., Aug. 27, 1919.)

SEC. 53a. Every barber or other person in charge of any barber shop shall keep such barber shop at all times in a clean and sanitary condition.

No person shall act as a barber who is affected with a venereal disease in the communicable stage or with any communicable disease enumerated in this code in an acute form, or with any communicable disease of the skin.

The hands of the barber shall be washed with soap and water before serving each customer.

Brushes and combs shall frequently be cleansed with soap and water.

Shaving mugs and brushes shall be thoroughly rinsed after each use thereof.

There shall be a separate clean towel for each customer. The head rest shall be covered by a clean towel or paper.

Alum or other material used to stop the flow of blood shall be applied in powdered or liquid form only.

After the handling of a customer affected with any eruption, or whose skin is broken out, or is inflamed or contains pus, the hands of the barber shall be immediately disinfected. This shall be done by thorough washing with soap and water, followed by rinsing in a solution of corrosive sublimate (1 to 1,000), or by the use of some equally efficient disinfectant.

The instruments used for a customer affected with any of the above-named disorders shall be made safe immediately after such use by washing with soap and water and dipping for one minute in a 10 per cent solution of commercial (40 per cent) formalin; or by use of some equally efficient disinfectant.

No cup or brush which has been used in the shaving of a customer affected with any of the above infectious disorders of the face shall be used for another customer unless the cup shall have been emptied and cleansed by boiling water and furnished with fresh soap, and the brush has been sterilized by a three-minutes' exposure or [sic] to a corrosive sublimate solution (1 to 1,000), or by the use of some equally efficient disinfectant.

Places of Employment—Lighting. (Ch. 181, Act Feb. 27, 1919.)

SECTION 1. The following terms, as used in the various sections of this act, shall be construed as follows:

(a) The phrase "place of employment" shall mean and include every place, whether indoors or out, or underground, and the premises appurtenant thereto, where either temporarily or permanently any industry, trade, or business is carried on, or where any process or operation, directly or indirectly relating to any industry, trade, or business is carried on, and where any person is directly or indirectly employed by another for direct or indirect gain or profit, but shall not include any place where persons are employed in private domestic service or agricultural pursuits which do not involve the use of mechanical power.

(b) The term "owner" shall mean and include every person, firm, corporation, State, county, town, city, village, manager, representative, officer, or other person having ownership, control, or custody of any place of employment or of the construction, repair, or maintenance of the buildings of any such place of employment or who prepares the plans for the construction of any place of employment.

SEC. 2. All passageways and other portions of places of employment, and all moving parts of machinery which are not so guarded as to prevent accidents, where, on or about which persons work or pass or may have to work or pass in emergencies, shall be kept properly and sufficiently lighted during working

hours. The halls and stairs leading to the workrooms shall be properly and adequately lighted, and a proper and adequate light shall be kept burning by the owner or lessee in the public hallways near the stairs, upon the entrance floor and upon the other floors on every workday in the year, from the time when the building is open for use in the morning until the time it is closed in the evening, except in times when the influx of natural light shall make artificial light unnecessary. Such lights shall be so arranged as to insure their reliable operation when through accident or other cause the regular factory or workshop lighting is extinguished.

SEC. 3. All workrooms in any place of employment shall be properly and adequately lighted during working hours. Artificial illuminants in every workroom shall be installed, arranged, and used so that the light furnished will at all times be sufficient and adequate for the work carried on therein, and so as to prevent unnecessary strain on the vision, or glare in the eyes of the workers.

SEC. 4. Working or traversed spaces in all places of employment as defined in this act shall be supplied during the time of use with artificial light in accordance with a schedule of minimum values which shall be determined as hereinafter specified, and when the natural light is less than the intensity so determined, the artificial light must be used.

SEC. 5. Lamps must be so located or suitably shaded as to minimize glare.

SEC. 6. All lamps and lighting appliances must be so installed in regard to height, spacing, reflectors, or other accessories as to secure a good distribution of light on the work, avoiding objectionable shadows and sharp contrasts of intensity. Emergency lamps shall be provided in the main aisles and in all stairways, passageways, and exists so as to afford sufficient guidance to provide the safe exit from said places of employment in case of emergency. Such lamps shall be in operation concurrently with the lighting and independent thereof.

SEC. 7. The switching and controlling apparatus shall be so placed that at least pilot or night lights may be turned on at the main points of entrance.

SEC. 8. The commissioner of labor and inspector of factories and workshops of the State of Oregon is hereby authorized to establish certain minimum values for lighting, which shall be deemed proper and adequate in accordance with the conditions set forth in this act. In arriving at what values shall be used in this schedule of minimum lighting, and such other rules as shall determine definitely what shall constitute compliance with the provisions of this act, he shall be guided by the best engineering practice as set forth in the recommendations of the "illuminating engineering society." Before such schedule and rules, however, shall become effective, the commissioner of labor must, upon his own motion, appoint a commission of three persons, one to represent the manufacturing interests, one to represent the operating electrical workers, and one must be an electrical engineer. Notice of the public meetings of such commission shall be published in the leading newspapers of each county in the State, giving the time, place, and purpose of such meetings. The commission shall have power, after holding these public meetings, to establish, to rearrange, or to readjust the schedule of lighting values and rules as above set forth. These rulings or readjustments shall then become effective 30 days after they have been made, and the commissioner of labor shall serve notice, in writing or by publication in the leading newspapers of each county in the State, of the rulings thus made and of the date upon which they become effective.

SEC. 9. Any person, firm, or corporation who violates or does not comply with the provisions of this act or who shall fail or neglect to provide the

necessary and proper illumination herein provided, within 30 days after receiving written notice so to do by the commissioner of labor and inspector of factories and workshops, is guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding the sum of \$50, and that for the purposes of this act each day that such violation continues, or for each day such refusal continues, shall constitute a separate and distinct violation of this act.

Industrial Camps—Sanitary Regulation. (Reg. Bd. of H., Aug. 27, 1919.)

SEC. 66. *Regulations concerning the establishment of camps.*—(a) No mining, lumber, timber, woodcutting, railroad repair, or construction, fishing, or other labor camp, occupying either temporary or permanent quarters in which there are five or more persons, shall establish such camp without first obtaining permission to establish such camp from the jurisdictional health officer. The person in authority in such camp shall make application for permission to establish such camp by telegraph, telephone, or letter, and upon such application, such health officer shall make an inspection of the site as proposed site for such camp and shall establish the purity of the water supply for such camp, and prescribe such rules and regulations as he may deem necessary for the preservation of the health of those employed and the general public. No such camp shall be established nearer than the high-water point to any creek, spring, branch, brook, well, or other source of water supply of said camp or any source of water which supplies any city, town, community, or camp in which there are more than five persons. For his services as herein provided, such health officer may charge a reasonable fee, which shall be paid by the person or persons, firm, or corporation desiring to establish such camp.

(b) Whenever a camp is established as above provided, the health officer making inspection as provided shall forward a copy of all proceedings and actions in the matter to the secretary of the State board of health.

(c) Berry-picking, hop-picking, fruit-picking, and other camps shall come under the purview of this section.

SEC. 67. *Rules and regulations for the prevention of the transmission of typhoid or other dangerous contagious or infectious diseases.*—(a) Contractors and all other persons who may establish an industrial camp or camps, for the purpose of logging or any like industry or for the purpose of constructing any road, railroad, or irrigation canal or other work requiring the maintenance of camps for persons engaged in such work, or any other temporary or permanent industrial camp or camps of whatsoever nature, shall report to the State health officer concerning the location of such camp or camps, and shall arrange such camp or camps in a manner approved by the State health officer so as to maintain good sanitary conditions, and shall at all times keep such camp or camps in a sanitary condition satisfactory to the State board of health.

(b) The health officer of each county shall report to the State health officer on the location of all industrial or construction camps within his jurisdiction.

(c) Whenever a county health officer shall receive information as to the proposed location of new camps within his jurisdiction he shall notify the State health officer, giving the location of the proposed camp and the name and address of the person or persons responsible for such camp.

(d) All contractors and other persons responsible for the control and management and construction of industrial camps must use all reasonable precautions to protect the persons in their employ from disease, and to that end shall follow as closely as the individual surroundings of each camp will permit the instructions furnished by the State health officer.

(e) The following are the instructions and recommendations relative to the proper sanitation of camps. The natural topography of the land where camps must of necessity be located renders it impossible to specify in detail complete plans of temporary camps, but the management of camps will be held strictly responsible for failure or refusal to comply with the general intent and spirit of these regulations:

1. All camps must be established upon dry, well-drained ground.
2. Any natural sink holes or collections of pools of water shall be artificially drained and filled when the camp is first established.
3. The general scheme of the relation of the structure of the camps shall be as follows: Stable and kitchen should be at the opposite ends of the camp and separated by a distance as great as consistent for convenient access to the stables.
4. Eating houses should be next to the kitchen, and beyond the eating houses should come the bunk houses, and between the bunk houses and the stables the toilets for the men in the camp.
5. The use of the toilets for the men shall be made obligatory, and instant discharge of any employee polluting the soil must be rigidly enforced to make such rule effective.
6. A small temporary incinerator shall be constructed near the stables. Incinerators capable of doing effective work can be constructed for an exceedingly small sum of money.
7. There must be in camps of 100 men or more one employee whose particular duty shall be acting as scavenger and garbage collector.
8. All manure shall be gathered and burned each day, and for the convenience of the collector shall be thrown into a tightly covered box.
9. All fecal matter shall be treated in the same manner or else treated in some other approved manner. Collection and incineration is the safest in the long run, and the easiest method is by making use of a removable pan, which can be often and freshly limed.
10. The kitchen and eating houses in particular shall be effectively screened. It is also desirable to have this done for the bunk houses.
11. All garbage shall be collected in tight cans and incinerated daily along with the manure and other rubbish.
12. Noninflammable refuse, such as tin cans, shall be collected daily and placed in a deep earth pit and covered over with a light covering of earth each day.
13. All urinals shall consist of open trenches limed each day with quicklime, and fresh quicklime shall be added in the proportion of one-half barrel per day for each 100 men.
14. All food supplies shall be kept carefully screened.
15. Thorough and systematic scrubbing of kitchens and eating houses, and to a less extent bunk houses, shall be regularly insisted upon.
16. The supply of water for the camp shall be carefully decided upon, and if the camp is to remain several weeks the water shall be provided from an absolutely uncontaminated source.
17. All sick persons from whatsoever cause shall be isolated from the remainder of the crew immediately.
18. All persons engaged in the care of the premises and handling of food, particularly cooks and helpers, shall be carefully examined and particular attention paid to the point as to whether or not they have suffered from typhoid fever within recent years.

Business of Disposing of Bodies of Dead Animals and Business of Feeding Garbage and Other Offal to Swine—Licenses—Sanitary Requirements—Inspection. (Ch. 244, Act Mar. 1, 1919.)

SECTION 1. That any person, firm, or corporation desiring to engage in the business of disposing of the bodies of dead animals by rendering, burning, or burying, and any person, firm, or corporation desiring to engage in the business of feeding to swine garbage and other offal, and any person, firm, or corporation in such business and desiring to continue the same shall procure from the dairy and food commission [commissioner] of the State of Oregon a license so to do, which license shall be for a period of one year and no longer. All licenses granted under this act by the dairy and food commissioner shall expire at the termination of June 30 of each year.

SEC. 2. Any person, firm, or corporation desiring a license to engage in such business or businesses shall file an application with the dairy and food commissioner for such license. Such applicant shall at the time he files such application pay to the dairy and food commissioner the sum of \$10. The dairy and food commissioner shall at once, in person or by deputy, inspect the place where such applicant desires to conduct such business or businesses and ascertain whether or not such applicant is a responsible and suitable person, firm, or corporation to be intrusted with a license to conduct such business or businesses. If the dairy and food commissioner shall find that such applicant is a responsible and suitable person, firm, or corporation to conduct such business or businesses, and that the place where such business or businesses are to be conducted is a suitable and sanitary place in which to dispose of the bodies of dead animals or to feed garbage or offal to swine, and that the same conforms to the rules and regulations made by the dairy and food commissioner, he shall issue to such applicant a license to conduct such business or businesses. Any applicant to whom a license is denied shall have the right to appeal to the "State board of health," whose decision in the matter shall be final; such appeal shall be perfected within 20 days from date of the refusal to grant a license.

SEC. 3. No place shall be deemed a suitable and sanitary place for disposing of the bodies of dead animals unless it conforms to the following specifications:

Building of sanitary construction adapted to the purposes intended, provided with properly drained concrete or cement floors, such buildings to be fly-tight and so constructed as to exclude rats, other rodents, and vermin. Such place shall be so situated, arranged, and constructed as not to interfere with the comfortable enjoyment of life and property of any of the residents of this State. In case dead bodies are to be disposed of by rendering, the cooking vats or tanks shall be air-tight, except proper escapes or vents for the steam used in rendering or cooking. Such escaping steam shall be so disposed of as not to cause unnecessary annoyance or to create a nuisance. All storing, skinning, and dismembering of dead bodies shall be done within such buildings in such a manner that no public annoyance or nuisance shall be caused by the unsightly appearance or stench of such bodies. In case dead bodies are disposed of by burning, the place for such burning shall be so located, constructed, and arranged as to cause no annoyance to any of the residents of this State by such burning and so as not to essentially interfere with the comfortable enjoyment of life and property. All parts of such bodies not entirely consumed by such burning shall be disposed of by burying, as hereinafter provided, or in such other manner as may be directed by the dairy and food commissioner. In case dead bodies are disposed of by burying they shall be buried to such a depth that no part of any such body shall be nearer than 4 feet to the natural surface of the ground, and every part of such body or carcass shall be covered with

quicklime and by at least 4 feet of earth. No place shall be deemed suitable for engaging in the business of feeding garbage or offal to swine unless it conforms to the following requirements:

All places licensed under this act to conduct the business of feeding garbage or offal to swine must have properly drained concrete or cement floors in all sections where feeding is done and where feeds are mixed or prepared for feeding. All buildings connected with such licensed places shall be of sanitary construction and shall be so constructed as to exclude rodents. Manure and other refuse shall not be allowed to accumulate in such buildings or on the premises. All garbage, offal, or animal flesh shall be thoroughly cooked before being fed to swine.

SEC. 4. The dairy and food commissioner of the State of Oregon shall enforce all provisions of this act and shall make rules and regulations thereunder for carrying out the provisions of the same, and all licensees under this act shall conform to and obey such rules and regulations.

SEC. 5. Before the dairy and food commissioner shall issue to any person, firm or corporation a license permitting him to engage in the business or businesses referred to in this act he shall personally or by deputy inspect the place where such work is to be conducted and see that such place conforms to the specifications provided for in sections 2 and 3 of this act and the rules and regulations made by him.

SEC. 6. The dairy and food commissioner in person, or by deputy, shall inspect each place licensed under this act at least once each year, and as often as he deems necessary, and shall see that the licensees conduct the business or businesses in conformity to [with] this act and to [with] the rules and regulations made by the dairy and food commissioner. For a failure or refusal on the part of any licensee to obey the provisions of such rules and regulations of this act the dairy and food commissioner shall suspend or revoke the license held by such licensee.

SEC. 7. No person, firm or corporation shall engage in the business of disposing of the bodies of dead animals or conducting a place for the feeding of swine as defined in this act without first obtaining a license so to do in the manner provided for in this act.

SEC. 8. All licensees under the provisions of this act shall haul or transport dead animals to their establishments in a covered wagon bed or tank which is water-tight and so constructed that no drippings or seepings from such carcasses can escape from such wagon bed or tank: *Provided, however,* Such wagon bed or tank shall be so constructed as to conform to the rules and regulations that may be established by the "State live-stock sanitary board" and said carcasses shall not be removed from such wagon bed or tank except at the place of final disposition.

SEC. 9. Any person, firm or corporation who shall obtain from any person, firm or corporation by purchase or otherwise the body of any animal for the purpose of obtaining the hide, skin, or grease from such dead animal or for the purpose of disposing of the carcass of such dead animal in any way whatsoever, shall be deemed to have engaged in the business of disposing of the bodies of dead animals and shall be subject to all of the penalties and provisions of this act: *Provided,* That nothing in this act shall interfere with the owner disposing of dead animals upon his own premises; nor shall it apply to any person who may feed to swine garbage accumulated from his own household or other offal that may have accumulated upon his own premises.

SEC. 10. This act shall not apply to any person, firm or corporation engaged in the business of gathering up and disposing of the bodies of dead fowls, cats

and dogs, or other small animals in cities and towns under contract with such cities or towns to dispose of such dead bodies: *Provided*, They are not collected as garbage and handled as such within the meaning of this act, nor to any person in such city or town who may employ another person to lawfully or legally dispose of the body of any animal which may have died in any such city or town, nor to any county the population of which does not exceed 100,000.

SEC. 11. Any person, firm or corporation who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction, shall be fined not less than \$10 nor more than \$250. Justice courts and district courts shall have concurrent jurisdiction with the circuit courts of all prosecutions arising under this act.

Dead Animals and Offensive Substances—Insanitary Disposal Unlawful.
(Ch. 264, Act Mar. 1, 1919.)

SEC. 114. Any person, or persons, who shall place or cause to be placed any part of the carcass of any dead animal, excrement, putrid, nauseous, noisome, decaying, deleterious, or offensive substance into any river, creek, pond, road, street, alley, lane, lot, field, meadow, or common; or if the owner or owners thereof shall knowingly permit same to remain in any of the aforesaid places, to the injury of the health or to the annoyance of any citizen of this State, shall be guilty of a misdemeanor, and every 24 hours after conviction therefor during which said person may permit the same to remain shall be deemed an additional offense against this section.

SEC. 115. Any person who shall put any dead animal carcass or part thereof, excrement, putrid, nauseous, noisome, decaying, deleterious, or offensive substance into or in any other manner not herein named befoils, pollutes, or impairs the quality of any spring, river, brook, creek, branch, well, cistern, or pond of water which is or may be used for domestic purposes or to which cattle, horses, or other kind of domestic stock have access, or shall put any such dead animal carcass or part thereof, excrement, putrid, nauseous, noisome, decaying, deleterious, or offensive substance within one-half mile of any dwelling house or public highway and leave the same without proper burial or, being in possession or control of any land, shall knowingly permit or suffer any such dead animal carcass or part thereof, excrement, putrid, nauseous, noisome, decaying, deleterious, or offensive substance to remain without proper burial upon such premises, within one-half mile of any dwelling house or public highway, whereby the same becomes offensive to the occupants of such dwelling or the traveling public, he shall be deemed guilty of a misdemeanor.

PENNSYLVANIA.

Communicable Diseases—Enumeration of—Method of Declaring Other Diseases to be Communicable—Reports of Cases—Quarantine—Placarding—Disinfection—Attendance at Schools and Gatherings—Removal of Well Persons from Infected Premises—Daily Bulletins to be Furnished School Authorities—Use of Public Conveyances by Infected Persons—Unlawful Exposure of Infected Persons—Handling and Sale of Exposed Articles—Letting of Infected Rooms or Premises—Regulations by Local Health Authorities Authorized—Burial—Reports by Local Health Authorities to State Department of Health. (Act 400, July 17, 1919.)

SECTION 1. That the following diseases are hereby specifically declared to be communicable, to wit:

Actinomycosis, anthrax, bubonic plague, cerebrospinal meningitis (epidemic), (cerebrospinal fever, spotted fever), chicken pox, Asiatic cholera, diphtheria (diphtheritic croup, membranous croup, putrid sore throat), epidemic dysentery (bacillary or amebic dysentery), erysipelas, German measles, glanders (farcy), rabies (hydrophobia), leprosy, malarial fever, measles, mumps, pneumonia (true), puerperal fever, relapsing fever, scarlet fever (scarlatina, scarlet rash), smallpox (variola, varioloid), tetanus, trachoma, trichiniasis, tuberculosis in any form, typhoid fever, paratyphoid fever, typhus fever, whooping cough, yellow fever, anterior poliomyelitis, impetigo contagiosa, pellagra, scabies, or uncinariasis.

The department of health may, when it deems it necessary to safeguard human life and health, declare as communicable diseases additional to those hereinabove specifically so declared, but only in the following manner, that is to say—

The commissioner of health shall call a meeting of the advisory board, five days written notice of which shall be sent to each member of the board. The notice shall state the time and place of meeting and the fact that a proposed regulation will be presented declaring a certain disease or diseases—setting it or them forth by name—to be communicable. The notice shall also state such of the diseases as should in the opinion of the commissioner of health be quarantinable or reportable, or both, and the quarantine period therefor.

If at such meeting four members of the advisory board personally present shall vote affirmatively upon such proposed regulation, any disease therein set forth is or are hereby declared communicable, with the same force and effect as if expressly enumerated in this act. Any such disease is hereby further declared quarantinable or reportable, or both, as may be provided in the regulation, with the force and effect hereinbefore referred to. Printed notice of the regulation shall be promulgated in the same manner as is provided by law in the case of other regulations of the department of health.

The regulation may be amended at such meeting so as to eliminate some or any of the diseases set forth in the notice, but no disease shall be declared communicable which is not contained in the notice.

Every physician practicing in any portion of this Commonwealth who shall treat or examine any person suffering from or affected with any disease herein

specifically declared communicable and reportable, or by regulation declared communicable and reportable, shall, if said case shall be located in a township of the first class, a borough, or a city, forthwith make a report in writing to the health authorities of said township, city, or borough; and if said case shall be located in a township of the second class, or a city, borough, or township of the first class not having a board of health or body acting as such, to the health officer appointed by the State department of health for such district, upon blanks supplied for that purpose, in which report he shall, over his or her own signature, state the name of the disease and the name, age, sex, color, nativity, and occupation, if any, of the person suffering therefrom, together with the street and house number of the premises in which said person may be located, or otherwise sufficiently designate the same, the date of the onset of the disease, the name and occupation of the householder in whose family the disease may have occurred, the number of children in said household attending school, and the name or names of the school or schools so attended, together with such information relating to said case as may be required by said health authorities and the State department of health.

SEC. 2. Upon receipt by the health authorities of any township of the first class, borough, or city, or by the health officer of the State department of health, of a report of the existence of a case of anthrax, bubonic plague, cerebrospinal meningitis (epidemic), (cerebrospinal fever, spotted fever), chicken pox, Asiatic cholera, diphtheria (diphtheritic croup, membranous croup, putrid sore throat), German measles, glanders (farcy), leprosy, measles, mumps, scarlet fever (scarlatina, scarlet rash), smallpox (variola, varioloid), typhoid fever, paratyphoid fever, typhus fever, whooping cough, yellow fever, or any disease declared communicable and quarantinable by regulations as hereinbefore provided, the said health authorities or the health officer of the State department of health, as the case may be, shall quarantine or cause to be quarantined the premises in which such disease exists, and any person or persons who has or have been exposed thereto, in the manner prescribed by the rules and regulations both of said health authorities and the State department of health; and shall post or cause to be posted, in a conspicuous place or places upon the premises in which said disease may be located, a placard or placards, upon which shall be printed in conspicuous letters the name of the disease from which the person or persons in said house or premises is or are suffering, with a warning that the said premises are quarantined, that no person or persons other than the attending physician and trained nurse shall enter or leave the said premises, except by permission of the health authorities, and setting forth the penalties prescribed by this act for violations of quarantine: *Provided*, That variola or varioloid shall be placarded as "smallpox" and that diphtheritic croup, membranous croup, and putrid sore throat shall be placarded as "diphtheria," that scarlatina and scarlet rash shall be placarded as "scarlet fever," and that paratyphoid fever shall be placarded as "typhoid fever": *Provided further*, That in addition to the placarding aforesaid, said health authorities may, for the purpose of enforcing quarantine regulations, place a guard or guards over said house or premises.

SEC. 3. That the said placard or placards shall remain in place until the expiration of the quarantine period fixed by the health authorities and the recovery, death, or removal of the person or persons affected; and shall only be removed by the health officer, at which time he shall disinfect the premises, except for typhoid fever and paratyphoid fever, in accordance with the rules and regulations of the health authorities and the State department of health regarding the destruction and disinfection of infected bedding, clothing, and

other articles which have been exposed to infection and the disinfection of rooms, premises, and inmates.

SEC. 4. The quarantine period for anthrax, bubonic plague, cerebrospinal meningitis (epidemic), (cerebrospinal fever, spotted fever), Asiatic cholera, typhus fever, yellow fever, relapsing fever, leprosy, and whooping cough shall be until the recovery, death, or removal of the patient so suffering, and shall be determined in accordance with the rules and regulations of the health authorities. The quarantine period for smallpox (variola, varioloid) and scarlet fever (scarlatina, scarlet rash) shall be a minimum period of 30 days or until such time thereafter as the last person in the premises so suffering shall have fully recovered or until death or removal. The quarantine period for diphtheria (diphtheritic croup, membranous croup, putrid sore throat) shall be a minimum period of 21 days or until complete recovery or the death or removal of the patient: *Provided*, That if antitoxin has been used for curative purposes for the patient and for the immunizing of all of the inmates of the premises, and two negative bacteriological cultures have been secured from the diseased area of each patient on the premises, for two successive days, the minimum period of quarantine may be 14 days. The quarantine period for measles, German measles, chicken pox, and mumps shall be for a minimum period of 16 days or until the recovery of the last person on the premises so suffering or until complete recovery or the death or removal of the patient.

SEC. 5. No child or other person suffering from anthrax, bubonic plague, cerebrospinal meningitis (epidemic), (cerebrospinal fever, spotted fever), Asiatic cholera, smallpox (variola, varioloid), typhus fever, yellow fever, relapsing fever, leprosy, diphtheria (diphtheritic croup, membranous croup, putrid sore throat), measles, German measles, glanders (farcy), chicken pox, mumps, whooping cough, or any disease declared communicable and quarantinable by regulation as hereinbefore provided, shall be permitted to attend any place of amusement or any church or any other public gathering, or to be exposed on any public street or in any store, shop, factory, or other place of business, or be permitted to attend any public, private, parochial, Sunday, or other school; and the teachers of public schools and the principals, superintendents, teachers, or other persons in charge of private, parochial, Sunday, or other similar schools, are hereby required to exclude any of such persons from said schools; such exclusion to continue until the case has recovered, the quarantine lifted, and the premises thoroughly disinfected.

SEC. 6. No child or other person suffering from scarlet fever (scarlatina, scarlet rash) shall be permitted to attend any place of amusement or any church or other public gathering, or to be exposed on any public street or in any store, shop, factory, or other place of business, or be permitted to attend any public, private, parochial, Sunday, or other school; and the teachers of public schools and the principals, superintendents, teachers, or other persons in charge of private, parochial, Sunday, or other schools, are hereby required to exclude any and all such persons and children from said school; such exclusion to continue for a period of 10 days following the removal of quarantine and a thorough disinfection of the premises, subject to a certificate of complete recovery furnished to the health authorities by the attending physician.

SEC. 7. No child or other person residing in the same premises with any person suffering from anthrax, bubonic plague, cerebrospinal meningitis (epidemic), (cerebrospinal fever, spotted fever), Asiatic cholera, smallpox (variola, varioloid), typhus fever, yellow fever, scarlet fever (scarlatina, scarlet rash), relapsing fever, leprosy, diphtheria (diphtheritic croup, membranous croup, putrid sore throat), measles, German measles, chicken pox, mumps,

or any disease declared communicable and quarantinable by regulation as hereinbefore provided, shall be permitted to attend any place of amusement or any church or other public gathering, or to be exposed, except by permission of the health authorities, on any public street or in any store, shop, factory, or other place of business, or be permitted to attend any public, private, parochial, Sunday, or other schools; and the teachers of public schools and the principals, superintendents, teachers, or other persons in charge of private, parochial, Sunday, or other similar schools, are hereby required to exclude any and all such persons from said schools; such exclusion to continue until quarantine is lifted and the premises thoroughly disinfected.

SEC. 8. Any child or person residing on the same premises with any person suffering from anthrax, cerebrospinal meningitis (epidemic), (cerebrospinal fever, spotted fever), or typhus fever may be allowed, after taking a disinfecting bath and putting on disinfected clothing, to remove from the said premises and take up his or her residence on other premises, and may, after such removal, be admitted into any of the said schools; and any child or person residing on the same premises with anyone suffering from diphtheria (diphtheritic croup, membranous croup, putrid sore throat) may be allowed, after taking a disinfecting bath and putting on disinfected clothing, and after antitoxin has been administered for immunizing purposes, to remove from the said premises and take up his or her residence on other premises occupied only by adults, and may, after five days from said removal, be admitted into any of the said schools; and any child or person residing on the same premises with any child suffering from scarlet fever (scarlatina, scarlet rash), measles, German measles, mumps, or chicken pox may be allowed, after taking a disinfecting bath and putting on disinfected clothing, to remove from the said premises and take up his or her residence on other premises occupied only by adults or by children who are immune to the disease (scarlet fever, scarlatina, scarlet rash, measles, German measles, mumps, or chicken pox) existing on the said premises from which the said child or person has removed—such immunity being shown by the official health records—and may, 14 days after such removal, be admitted to any of the said schools: *Provided*, That if the child or person residing on the same premises with any person suffering from any of the said diseases (scarlet fever, scarlatina, scarlet rash, measles, German measles, mumps, or chicken pox), and removing therefrom as above provided, is himself or herself immune from the disease existing on the said premises by virtue of a former attack, this fact being shown by the official health records or by other evidence satisfactory to the health authorities, such immune child or person may, on the day following such removal, be admitted to any of the said schools; and any child or person residing on the same premises with any person suffering from relapsing fever may be allowed, after taking a disinfecting bath and putting on disinfected clothing, to remove from the said premises and take up his or her residence on other premises, and may, after 10 days from such removal, be admitted to any of the said schools. In the case of children or persons residing on the same premises with any child or person suffering from any disease declared communicable and quarantinable, as hereinbefore provided, the department of health, by general regulation, shall determine the conditions upon which said child or person may take up his residence upon other premises or be admitted to school.

SEC. 9. That every teacher, principal, superintendent, or other person or persons in charge of any public, private, parochial, Sunday, or other school having in any such school any child or person showing an unusual rash

or skin eruption, or complaining of soreness in the throat, or having symptoms of whooping cough, or any disease of the eye, shall immediately exclude such child or other person from the schools pending the action of the health authorities, and shall report such fact to the health officer of the city, borough, or township, giving the name and residence of such child or other person.

SEC. 10. No child or other person excluded from any school by the provisions of this act shall be readmitted thereto unless he or she or some person on his or her behalf shall furnish to the principal, superintendent, or teacher, or other person in charge of said school, a certificate setting forth that the conditions for such readmission prescribed by this act have been complied with, which certificate shall be signed by a person to be designated for that purpose, in cities, boroughs, and townships of the first class, by the health authorities thereof exclusively, and in townships of the second class, and cities, boroughs, and townships of the first class not having boards of health or bodies acting as such, by the State department of health; and the registry of all public, private, parochial, Sunday, and other schools shall exhibit the names and residences of all children and persons excluded therefrom or readmitted thereto agreeably to the provisions of this or any other act of assembly; and said register shall be open at all times to the inspection of the city, borough, or township authorities, and the State department of health, and their respective officers and agents.

SEC. 11. Blanks whereon to make the reports and certificates required by this act shall be supplied, in cities, boroughs, and townships of the first class, by the health authorities thereof, respectively; and in townships of the second class, and in cities, boroughs, and townships of the first class not having boards of health or bodies acting as such, by the State department of health.

SEC. 12. It shall be the duty of the health authorities of cities, boroughs, and townships of the first class, respectively, to furnish daily, by mail or otherwise, to principals, superintendents, teachers, and other persons in charge of public, private, parochial, Sunday, and other schools, a printed or written bulletin, containing the name, location, and disease of all persons suffering from any of the diseases comprehended by sections 5 and 6 of this act, upon receipt by them of reports of such cases from physicians as required by section 1 of this act; and such bulletin shall be daily furnished to such persons in charge of such schools in townships of the second class, and in cities, boroughs, and townships of the first class not having board of health or bodies acting as such, by the health officer for the State department of health.

SEC. 13. Upon the removal to a hospital or other place, or upon the discharge by the recovery or death of any person or persons who has or have suffered from tuberculosis or any of the diseases comprehended by section 2 of this act, all premises which have been occupied by the said person or persons while suffering from any of the said diseases shall be disinfected or destroyed, at such time and in such manner as may be authorized and required by the health authorities.

SEC. 14. No person suffering from any of the diseases comprehended by section 2 of this act, nor anyone who has charge of the persons so suffering, shall enter any hired vehicle or other public conveyance, or permit anyone in his or her charge who is suffering therefrom to enter such vehicle, without previously securing the consent of health authorities and notifying the owner or driver thereof that he or she or the person in his or her charge is so suffering; and the owner or driver of such vehicle shall immediately provide for the disinfection of such conveyance, under the direction of the health authori-

ties, after it has, with the knowledge of such owner or driver, conveyed any such sufferer.

SEC. 15. No person suffering from anthrax, bubonic plague, cerebrospinal meningitis (epidemic), (cerebrospinal fever, spotted fever), chicken pox, Asiatic cholera, diphtheria (diphtheritic croup, membranous croup, putrid sore throat), measles, German measles, glanders (farcy), mumps, scarlet fever (scarlatina, scarlet rash), smallpox (variola, varioloid), typhus fever, typhoid fever, yellow fever, whooping cough, or any disease declared communicable and quarantinable by regulation as hereinbefore provided, shall willfully expose himself or herself in any street or public place or public conveyance, nor shall any person in charge of anyone so suffering thus expose the sufferer.

SEC. 16. No person, without previous disinfection, shall give, lend, sell, transmit, or expose any bedding, clothing, rags, or other articles, which have been exposed to infection from any of the diseases comprehended by section 1 of this act: *Provided*, That such restriction shall not apply to the transmission of articles with proper precaution for the purpose of having the same disinfected.

SEC. 17. No person shall let any room, house, or part of a house in which there has been a person suffering from tuberculosis or any of the diseases comprehended by section 2 of this act, without having such room, house, or part of a house, and all articles therein, previously disinfected to the satisfaction of the health authorities. The keeping of a hotel, boarding house, or apartment house shall be deemed as letting a part of a house to any person who shall be admitted as a guest into such hotel, boarding house, or apartment house.

SEC. 18. The health authorities of the several townships, boroughs, and cities of this Commonwealth may, and they are hereby authorized and empowered, to establish additional rules and regulations regarding the isolation and quarantine of persons who may be suffering from any of the diseases comprehended by section 1 of this act, and for the destruction, disinfection, and fumigation of bedding, clothing, or other infected articles, and for the disinfection and fumigation of houses and premises, and for the carrying out of the provisions of this act, as they may in good faith declare the public safety and health demand; which rules and regulations they may, from time to time, alter or amend, but in no instance shall such rules abridge in any way the provisions of this act or the regulations of the State department of health.

SEC. 19. In the preparation for burial of the body of any person who has died of Asiatic cholera, glanders (farcy), bubonic plague, smallpox (variola, varioloid), yellow fever, typhus fever, scarlet fever (scarlatina, scarlet rash), relapsing fever, cerebrospinal meningitis (epidemic), (cerebrospinal fever, spotted fever), diphtheria (diphtheritic croup, membranous croup, putrid sore throat), tetanus or leprosy, it shall be the duty of the undertaker or person acting as such to thoroughly disinfect and place such body within the coffin or casket in which it is to be buried, within six hours after being first called upon to take charge of the same, provided said call is made between the hours of 5 ante meridian and 11 post meridian; otherwise such body shall be placed in such coffin or casket within 12 hours; the coffin or casket then to be closed tightly, and not again opened unless permission be granted by the health authorities for special and satisfactory cause shown.

SEC. 20. The body of a person who has died of any of the diseases mentioned in section 19 of this act shall not remain unburied for a longer period of time than 36 hours after death, unless special permission be granted by the health authorities extending the time during which said body shall remain unburied

for special and satisfactory cause shown. The undertaker or person acting as such shall be responsible for any violation of the provisions of this section.

SEC. 21. All services held in connection with the funeral of the body of a person who has died of any of the diseases mentioned in section 19 of this act shall be private, and the attendance thereat shall include only the immediate adult relatives of the deceased who may not at the time be under absolute quarantine restrictions and the necessary number of adult pallbearers, and any advertisement of such funeral shall state the cause of death.

SEC. 22. The body of a person who has died of any of the diseases mentioned in section 19 of this act shall in no instance be taken into any church, chapel, public hall, or public building for the holding of funeral services. The undertaker, or person acting as such, and the sexton, janitor, or other person having control of such church, chapel, public hall, or public building shall be responsible for any violation of the provisions of this section.

SEC. 23. No undertaker or person acting as such at the funeral or burial of the body of a person who has died of any of the diseases mentioned in section 19 of this act shall furnish or provide for such funeral or burial more than the necessary number of conveyances for such adult relatives as are mentioned in section 22 [21?] of this act and pallbearers, and all such conveyances shall be fumigated and disinfected at such time and in such manner as may be directed and required by the health authorities.

SEC. 24. The body of a person who has died of any of the diseases mentioned in section 19 of this act shall not be conveyed from any dwelling or other building or place to any cemetery or other point or place except in a hearse or other vehicle used for the purpose of conveying corpses only, or in such vehicles as shall be satisfactory to the health authorities and under such regulations as they may in any case adopt. The undertaker, or person acting as such, having charge of the funeral or transportation of such body shall be responsible for any violation of the provisions of this section.

SEC. 25. The health authorities of the several cities, boroughs, and townships of the first class shall, at the end of each week and for the fraction of each week occurring at the end of each month, report to the State department of health, upon blanks supplied for that purpose, a list of all cases of communicable diseases comprehended by section 1 of this act which have been reported to them during said period; which report shall contain the name of each person suffering therefrom, respectively, and his or her age, sex, color, and nativity, together with the name of the disease and the date of the onset thereof; and in the event of no reports of any of said diseases having been received by the aforesaid health authorities, respectively, during any said period, that fact shall be reported to the State department of health.

SEC. 26. Any person who shall remove, deface, cover up, or destroy, or cause to be removed, defaced, covered up, or destroyed, any placard relating to any of the diseases comprehended by section 2 of this act shall, for every such offense, upon conviction thereof in a summary proceeding before any magistrate or justice of the peace of the county wherein such offense was committed, be sentenced to pay a fine of not less than \$10 nor more than \$100, to be paid to the use of said county, and costs of prosecution, or to be imprisoned in the county jail for a period of not less than 10 days nor more than 30 days, or both, at the discretion of the court. Any person, other than the attending physician or trained nurse, who shall enter or leave any quarantined premises without having secured permission from the health authorities, or who shall violate any of the quarantine restrictions imposed by this act or by the rules and regula-

tions of the health authorities of any city, borough, or township of the first class or the rules and regulations of the State department of health, or who shall interfere with a health officer or any other duly qualified agent of the State department of health or of any local board or department of health in the discharge of his official duties in the placarding, quarantining, disinfecting, or releasing from quarantine of any premises or in the investigation of any alleged case of quarantinable disease, shall, for every such offense, upon conviction thereof in a summary proceeding before any magistrate or justice of the peace of the county wherein said offense was committed, be sentenced to pay a fine of not less than \$50 nor more than \$100, to be paid to the use of the said county, and costs of prosecution, or to be imprisoned in the county jail for a period of not less than 10 nor more than 30 days, or both, at the discretion of the court.

Any physician, undertaker, teacher of a public school, principal of a school, superintendent of a Sunday school, sexton, janitor, parent or guardian, or any other person or persons who shall fail, neglect, or refuse to comply with, or who shall violate, any of the provisions of this act, shall for every such offense, upon conviction thereof in a summary proceeding before any magistrate or justice of the peace of the county wherein said offense was committed, be sentenced to pay a fine of not less than \$20 or more than \$100, to be paid to the use of said county, and costs of prosecution, or to be imprisoned in the county jail for a period of not less than 10 or more than 30 days, or both, at the discretion of the court.

SEC. 27. Section 1 (except the enacting clause thereof), and sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, and 19 of an act entitled "An act to provide for the more effectual protection of the public health in the several municipalities of this Commonwealth," approved June 18, 1895, and the act of May 14, A. D. 1909, entitled "An act to safeguard human life and health throughout the Commonwealth, by providing regulations for the control of certain communicable diseases and the prevention of infection therefrom, and prescribing penalties for violation of said regulations," and the act,¹ approved the 28th day of May, A. D. 1915, entitled "An act to safeguard human life and health throughout the Commonwealth by providing for the reporting, quarantining, and control of certain communicable diseases, and for the prevention of infection therefrom, and prescribing penalties for violations of the act," are hereby repealed.

Communicable Diseases—Quarantine—How Enforced. (Reg. Dept. of H., Dec. 20, 1919.)

In addition to the regulations of the department of health heretofore passed and promulgated by the advisory board relating to quarantine, isolation, and disinfection in the several communicable diseases, it is hereby ordered and decreed that quarantine in the case of communicable diseases covers not only the protection of the citizens of the Commonwealth against such communicable diseases, but the means by which such protection may be secured and the quarantine enforced, and it is now, therefore, declared that such quarantine may be secured and enforced in the following manners, to wit:

First. By isolation of the patient in his own home, with his own family.

Second. By isolation of the patient in his own home, separate and apart from the other members of his immediate family.

¹ Pub. Health Repts. Reprint 338, p. 438.

Third. By removal of the patient by order of the commissioner of health from his own home to a place in the State provided for the care and treatment of such communicable disease or diseases.

Every person who violates any order of the commissioner of health made in accordance with this regulation, or falls or refuses or neglects to comply with such order of the commissioner, shall be deemed to be guilty of a violation of the act approved the 27th day of April, A. D. 1905, P. L. 312, by the provisions of which this regulation is passed and promulgated.

Tuberculosis—Quarantine. (Reg. Dept. of H., Oct. 14, 1919.)

From and after the passage and promulgation of this regulation, pulmonary tuberculosis is declared to be transmissible and subject to quarantine in such cases of the disease as in the opinion of the attending physician or the county medical representatives of the State department of health or other designated physician representing the commissioner of health are menacing to the public health by reason of the patient's character, occupation, and habits or his neglect of treatment and the methods designed to protect others from infection.

Certain Communicable Diseases—Quarantine of Carriers. (Reg. Dept. of H., Oct. 14, 1919.)

From and after the passage and promulgation of this regulation, persons known to be carriers of the following pathogenic organisms, namely, diphtheria bacilli, cholera bacilli, dysentery bacilli, typhoid bacilli, and paratyphoid bacilli, and who in the opinion of the designated representatives of the commissioner of health are menacing to the public health, by reason of their character, occupation, habits, or neglect of treatment and of the methods designed to protect others from infection, may be placed under quarantine, either complete or modified, until such time as they cease to be carriers, as determined in the department of health laboratories, or until released by order of the commissioner of health.

Whooping Cough—Quarantine. (Reg. Dept. of H., Oct. 14, 1919.)

From and after the passage and promulgation of this regulation, when a premises is quarantined for whooping cough, wage earners and adult members of the household may be given quarantine permits with the usual restrictions. Children of the household who are known to have had whooping cough may be permitted by the health authorities to continue school attendance during the quarantine period.

Diphtheria, Scarlet Fever, and Smallpox—Contacts—Placarding and Quarantine. (Reg. Dept. of H., June 6, 1919.)

Where persons are known to have been exposed to diphtheria, scarlet fever, or smallpox, health authorities may, when in their opinion it is necessary, placard and quarantine the premises, using the following form for the placard:

WARNING—SCARLET FEVER; (DIPHTHERIA, SMALLPOX).

An inmate of this house is known to have been exposed to scarlet fever (diphtheria, smallpox) and is required to remain on the premises until released by the health authorities.

Certain Communicable Diseases — Incubation — Maximum Periods. (Reg. Dept. of H., June 6, 1919.)

The maximum period of incubation (between the time of exposure to the disease and the date when its development might be expected) of the diseases mentioned below shall be as follows:

	Days.
Acute poliomyelitis (infantile paralysis)-----	14
Chicken pox-----	16
German measles-----	14
Measles-----	14
Mumps-----	21
Scarlet fever-----	7
Smallpox-----	18
Diphtheria-----	5
Whooping cough-----	14
Typhoid fever-----	21

Certain Communicable Diseases—Quarantine—Disinfection. (Reg. Dept. of H., June 6, 1919.)

At the termination of the quarantine period or upon death or removal of a case of anterior poliomyelitis, German measles, glanders (farcy), measles, mumps, typhoid fever, paratyphoid fever, and whooping cough disinfection shall be performed as follows:

The room or rooms occupied by the patient shall be subjected first to a mechanical cleansing followed by application of a solution of 1 to 1,000 bichloride of mercury (corrosive sublimate) or a solution of 2 teaspoonfuls of creolin to a gallon of water.

When the health officer establishes quarantine on a premises for any of the above-mentioned diseases, he shall fully instruct the householder regarding the requirements to be observed by all persons under quarantine, and shall advise him of the date upon which quarantine may be raised if no further cases develop. He shall direct that when the quarantine period has expired the householder shall proceed to cleanse and disinfect the room or rooms occupied by the patient according to the circular on sanitary cleaning which the health officer shall furnish to the householder.

At the termination of the legal quarantine period or upon death or removal of the patient the health officer shall visit the premises and if he finds that the sanitary cleaning has been accomplished as required he shall remove the placard and terminate quarantine.

Certain Communicable Diseases—Funerals Required to be Private. (Reg. Dept. of H., June 6, 1919.)

All services held in connection with the funeral of the body of any person who has died of measles, mumps, German measles, and whooping cough shall be private, and the attendance thereat shall include only the immediate adult relatives of the deceased who may at the time not be under absolute quarantine restrictions and the necessary number of adult pallbearers and any advertisement of such funeral shall state the cause of death.

The body of a person who has died of any such disease shall not be taken in any church, chapel, public hall, or public building for the purpose of holding funeral services.

[On August 6, 1919, the State department of health added chicken pox to the list of diseases enumerated above.]

Certain Types of Illness—Reports of Cases by Householders or Proprietors of Hotels and Lodging Houses. (Reg. Dept. of H., Aug. 6, 1919.)

From and after the passage and promulgation of this regulation every householder or proprietor, of a hotel or lodging house, having on his premises any person for whom no physician has been called and who shows an unusual skin eruption or rash, or complains of a sore throat and is too sick to work or play, and has spasms of violent coughing, shall report these facts immediately to the health officer of the city, borough, or township, giving the name of the person and the location of said premises.

Venereal Diseases—Quarantine. (Reg. Dept. of H., Aug. 6, 1919.)

From and after the passage and promulgation of this regulation gonorrhea and syphilis in its primary and secondary stages and chancroid are declared transmissible diseases subject to quarantine when, in the opinion of the attending physician or the county medical representative of the State department of health, the character, occupation, habits, or neglect of treatment and method to protect others make those infected menaces to public health.

Diseases of the Generative Organs—Advertisements Relating to the Treatment of, Prohibited. (Act 442, July 21, 1919.)

SECTION 1. That it shall be unlawful for any person, copartnership, association, or corporation to advertise in any manner whatsoever representing such person, copartnership, association, or corporation as being engaged in the business or profession of treating diseases of the generative organs of either sex; and it shall be unlawful for any person, copartnership, association, or corporation operating a printing establishment to insert such advertisement in any publication issued by such printing establishment.

SEC. 2. Any individual or the members or agents of any copartnership, association, or the officers or directors or agents of any corporation, violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine not exceeding \$1,000 and to imprisonment for a period not exceeding one year.

School Children—Required to be Vaccinated or Have Had Smallpox. (Act 198, June 5, 1919.)

SECTION 1. That section 12 of an act approved the 18th day of June, 1895 (pamphlet laws, 208), entitled "An act to provide for the more effectual protection of the public health in the several municipalities of this Commonwealth," which reads as follows:

"SEC. 12. All principals or other persons in charge of schools as aforesaid are hereby required to refuse the admission of any child to the schools under their charge or supervision, except upon a certificate signed by a physician, setting forth that such child has been successfully vaccinated or that it has previously had smallpox," be, and the same is hereby, amended to read as follows:

SEC. 12. It shall be the duty of all school directors, superintendents, principals, or other persons in charge of any public, private, parochial, or other school to refuse the admission of any child to any of said schools under their charge or supervision, except upon a certificate signed by a physician setting forth that such child has been vaccinated, and that a subsequent examination reveals a resulting cicatrix, indicating successful vaccination or that vaccination has been performed according to the rules and regulations promulgated

by the commissioner of health, with the sanction and advice of the advisory board of the department of health, or that it has previously had smallpox. All certificates of vaccination shall be issued in accordance with the rules and regulations promulgated by the commissioner of health with the sanction and advice of the advisory board of the department of health.

SEC. 2. That section 21 of said act, which as amended by an act approved the 22d day of April, 1903 (pamphlet laws, 244), entitled "An act to amend the twenty-first section of an act entitled 'An act to provide for the more effectual protection of the public health in the several municipalities of this Commonwealth,' approved the 18th day of June, A. D. 1895, limiting the time in which actions may be brought for the recovery of fines or penalties under said act," reads as follows:

"SEC. 21. Any physician, undertaker, principal of a school, superintendent of a Sunday school, sexton, janitor, head of a family, or any other person or persons named in this act, who shall fail, neglect, or refuse to comply with, or who shall violate, any of the provisions or requirements of this act shall for every such offense, upon conviction thereof before any mayor, burgess, alderman, police magistrate, or justice of the peace of the municipality in which said offense was committed, be liable to a fine or penalty therefor of not less than \$5 nor more than \$100; which said fines or penalties shall be paid into the treasury of said municipality; and in default of payment thereof such person or persons so convicted shall undergo an imprisonment in the jail of the proper county for a period not exceeding 60 days: *Provided, however*, That all actions for the recovery of any fine or penalty for the violation of any of the provisions of this act shall be commenced within 60 days from the commission of the offense and not afterwards," be, and the same is hereby, amended to read as follows:

SEC. 21. Any physician, undertaker, principal of a school, superintendent of a Sunday school, sexton, janitor, head of a family, or any other person or persons named in this act who shall fail, neglect, or refuse to comply with or who shall violate any of the provisions or requirements of this act shall for every such offense, upon conviction thereof before any mayor, burgess, alderman, police magistrate, or justice of the peace, be liable to a fine or penalty therefor of not less than \$5 nor more than \$100; which said fines or penalties shall be paid into the school fund of the municipality in which the offense was committed; and in default of payment thereof such person or persons so convicted shall undergo an imprisonment in the jail of the proper county for a period not exceeding 60 days.

Smallpox Vaccination—Certificates Regarding—School Children. (Reg. Dept. of H., Aug. 6, 1919.)

Inspection and certification.—Eight to fifteen days after vaccination the vaccinating physician shall inspect the site, and if a typical vesicle has appeared shall issue a certificate of successful vaccination. Under no other circumstances shall he issue such a certificate.

All certificates of successful vaccination shall be in the form prescribed by the commissioner of health and shall state that the vaccination site was thus inspected subsequent to vaccination, and found to indicate successful vaccination. (Form 75.)

Certificates confirming previous successful vaccination, as shown by a cicatrix or of previous smallpox as shown by cicatrix, may be issued by legally qualified physicians on forms prescribed by the commissioner of health. (Forms 76 and 77.)

Temporary certificates in reference to vaccination or nonvaccination shall be issued only by the county medical director, his authorized deputy, or the medical officer of a borough or city board of health, each for his respective community.

Unsuccessful vaccinations.—When a school child has been twice unsuccessfully vaccinated within a period of three months, he may be admitted to school after being again vaccinated free of charge by or in the presence of the county medical director, his authorized deputy, or the medical officer of a borough or city board of health. A temporary certificate (Form 75-a) will be issued by said officer and it may be countersigned by the attending physician. Said certificate will admit the child to school for the current school year only. If success results from this third vaccination, a regular certificate of successful vaccination shall be issued by the officer who issues the temporary certificate after a typical vesicle or a typical cicatrix has appeared.

Alleged physical unfitness for vaccination.—When the family physician claims that physical conditions contra indicating vaccination exist in the school child, the county medical director, his authorized deputy, or the medical officer of a borough or city with an organized board of health shall examine the child resident therein and decide whether physical unfitness for vaccination exists. If possible, the said family physician shall be present at the examination. If vaccination is deemed inadvisable, a temporary certificate conspicuously marked "Good for current school year only," and authorizing the admission of the child to school for this period shall be issued and signed by the said officer. This authorization will admit the child to school for but one year, after which he will be vaccinated or excluded from school.

Lost certificate.—The school medical examiner or the family physician may issue to any school child who has no certificate of vaccination but who has been successfully vaccinated a certificate upon Form 76, after examination and determination that a clearly defined vaccination scar exists. If sufficient evidence of previous smallpox exists, he may similarly certify upon Form 77. Such certificate will be accepted by principals or teachers in lieu of a certificate of vaccination.

School Children—Medical Inspection. (Act 394, July 17, 1919.)

SEC. 2. That section 1501 of said act [approved the 18th day of May, 1911 (pamphlet laws, 309), entitled "An act to establish a public-school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith,"] which reads as follows:

"SEC. 1501. Every school district of the first, second, or third class in this Commonwealth shall annually provide medical inspection of all the pupils of its public schools by proper medical inspectors, to be appointed by the board of school directors of the district. Such medical inspection shall be made in the presence of the parent or guardian of the pupil, when so requested by parent or guardian. All such medical inspectors shall be physicians legally qualified to practice medicine in this Commonwealth, who have had at least two years, experience in the practice of their profession, and shall be paid such amounts as the boards of school directors may determine: *Provided*, That nothing in this act shall preclude the appointment of health officers of municipalities as medical inspectors in the school districts of this Commonwealth:

Provided further, That if in any year, before the 1st day of August, the board of school directors of any school district of the third class shall decide, by a majority vote of the members thereof, not to have medical inspection in any or all of the schools of such district, such medical inspection shall not be made in such schools during the following school year," is hereby amended to read as follows:

SEC. 1501. Every school district of the first, second, or third class in this Commonwealth shall annually provide medical inspection of all the pupils of its public schools by proper medical inspectors, to be appointed by the board of school directors of the district. Such medical inspection shall be made in the presence of the parent or guardian of the pupil, when so requested by parent or guardian. All such medical inspectors shall be physicians legally qualified to practice medicine in this Commonwealth, who have had at least two years' experience in the practice of their profession, and shall be paid such amounts as the boards of school directors may determine: *Provided*, That nothing in this act shall preclude the appointment of health officers of municipalities as medical inspectors in the school districts of this Commonwealth.

SEC. 3. That section 1503 of said act, which reads as follows:

"SEC. 1503. In every school district of the fourth class in this Commonwealth the State department of health shall provide, in such manner as it may determine, medical inspection for all the pupils in the public schools by proper medical inspectors, to be appointed by the State commissioner of health, at the expense of said department. All such medical inspectors shall be legally qualified physicians, who have had not less than two years' experience in the practice of their profession. Such medical inspection shall be made in the presence of the parent or guardian of the pupil, when so requested by parent or guardian: *Provided*, That if the board of school directors of any school district of the fourth class shall decide, by a majority vote of the members thereof, not to have medical inspection of the pupils in a part or all of the schools of such district, and the commissioner of health is officially notified thereof, in writing, before the 1st day of July, such medical inspection shall not be made in such schools during the following school year," is hereby amended to read as follows:

SEC. 1503. In every school district of the fourth class in this Commonwealth the State department of health shall provide, in such manner as it may determine, medical inspection for all the pupils in the public schools by proper medical inspectors, to be appointed by the State commissioner of health, at the expense of said department. All such medical inspectors shall be legally qualified physicians, who have had not less than two years' experience in the practice of their profession. Such medical inspection shall be made in the presence of the parent or guardian of the pupil, when so requested by parent or guardian.

SEC. 4. That section 1505 of said act, which reads as follows:

"SEC. 1505. The medical inspectors shall, at least once each year, inspect and carefully test and examine all pupils in the public schools of their districts, giving special attention to defective sight, hearing, or other disabilities and defects specified by the commissioner of health in his directions for the medical examinations of schools. Each medical inspector shall make to the teacher, or, if the board of school directors so directs, to the principal or district superintendent of schools, a written report concerning all pupils found to need medical or surgical attention, and giving careful directions concerning the care of each pupil who needs special care while in school. The teacher, or the principal, or district superintendent shall keep such report until the end of

the school year, shall carry out as carefully as possible said directions concerning the special care of pupils while in school, and shall promptly send a copy of the medical inspector's report upon each child to the parents or guardians thereof," is hereby amended to read as follows:

SEC. 1505. The medical inspectors shall, at least once each year, inspect and carefully test and examine all pupils in the public schools of their districts, giving special attention to defective sight, hearing, teeth, or other disabilities and defects specified by the commissioner of health in his directions for medical examinations of schools. Each medical inspector shall make to the teacher, or, if the board of school directors so directs, to the principal or district superintendent of schools, a written report concerning all pupils found to need medical or surgical attention, and giving careful directions concerning the care of each pupil who needs special care while in school. The teacher or the principal or district superintendent shall keep such report until the end of the school year, shall carry out as carefully as possible said directions concerning the special care of pupils while in school, and shall promptly send a copy of the medical inspector's report upon each child to the parents or guardian thereof.

Medical Inspection in Schools—Reports of Names of Inspectors to State Commissioner of Health—Appointment of Inspectors by State Commissioner of Health When School Authorities Fail to Furnish Inspection. (Act 253, June 20, 1919.)

SECTION 1. That section 1504 of an act, approved the 18th day of May, 1911 (pamphlet laws, 309), entitled "An act to establish a public-school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," which reads as follows:

SEC. 1504. If, in any school district which is required by this act to provide medical inspection for its public schools, such medical inspection as is herein required is not furnished within 30 days after the beginning of the school year, the commissioner of health shall, after two weeks' written notice to the board of school directors of such district, appoint a properly qualified medical inspector, or inspectors, for the district, for the remainder of the school year, and shall fix the compensation for the same, which shall be paid by the district," is hereby amended to read as follows:

SEC. 1504. In every school district which is required by this act to provide medical inspection for its public schools, the secretary of the school board or the district superintendent of schools shall, on or before the 1st day of September of each year, report to the commissioner of health the names of the medical inspectors or the name of the chief medical inspector, with the number of assistants or additional inspectors, appointed for the ensuing term, and if such medical inspection as is herein required is not furnished within 30 days after the beginning of the school term, the commissioner of health shall, after two weeks' written notice to the board of school directors of such district, appoint a properly qualified medical inspector or inspectors for the district for the remainder of the school term, and shall fix the compensation for the same, which shall be paid by the district.

Defective School Children—Special Education and Training for. (Act 446, July 22, 1919.)

SECTION 1. That section 1413 of the act approved the 18th day of May, 1911, (pamphlet laws, 309), entitled "An act to establish a public-school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," which reads as follows:

"SEC. 1413. It shall be the duty of the county or district superintendent, attendance officer, or secretary of the board of school directors, in every school district in this Commonwealth, to report to the medical inspector of the school district every blind, deaf, or mentally deficient child in the district, between the ages of 8 and 16 years, who is not being properly educated and trained. The medical inspector of the school district shall examine such child, and report to the board of school directors whether it is a fit subject for education and training. If the child is reported to be a fit subject for education and training, but can not be properly educated and trained in the public schools of the district, the board of school directors shall secure for it proper education and training: *Provided*, That when it is necessary to educate or train such children outside of the public schools, their parents or guardians shall, if able to do so, pay to the district the expense necessarily incurred by it in educating and training the same: *And provided further*, That any child who is reported by the medical inspector of the school district not to be a fit subject for education and training shall be exempt from the provisions of this act," is hereby amended to read as follows:

SEC. 1413. It shall be the duty of the secretary of the school board, teachers, and attendance officers, in every school district in this Commonwealth, in accordance with rules of procedure prescribed by the superintendent of public instruction, to secure information and report to the medical inspector of the school district and to the district or county superintendent of schools, on or before the 15th day of October of each year, every child within said district, between the ages of 8 and 16 years, who is gravely retarded in his or her school work, or who, because of apparent exceptional physical or mental condition, is not being properly educated and trained, and as soon thereafter as possible the medical inspector shall examine such child in accordance with rules of procedure prescribed by the commissioner of health, and report whether such child is a fit subject for special education and training. In school districts of the first, second, and third class, having a district superintendent of schools, said report shall be made to the superintendent of the district. In all other districts, the report shall be made to the commissioner of health, and by him reported to the superintendent of schools of the county.

The county or district superintendent of schools shall submit to the board or boards of school directors plans for establishing and maintaining special classes in the public schools or special public schools for the proper education and training of all such children reported to him as fit subjects for special education and training, and it shall be the duty of the board of directors of any district having such children to provide and maintain, or to jointly provide and maintain with neighboring districts, such special classes or schools: *Provided, however*, That if it is not feasible to form a special class with a minimum attendance of 10 children in any district, or if for any other reason it is not feasible to provide such education for any such child in the public schools of the district, the board of school directors of that district shall, if the parents or

guardians of said child give written consent, secure such proper education and training outside the public schools of the district, or in special institutions, on terms and conditions not inconsistent with the terms of this act or of any other act then in force applicable to such children.

School districts maintaining special classes in the public schools or special public schools or providing special education, as hereinbefore specified in this section, shall receive reimbursement, as hereinafter provided, so long as such classes, such schools, and such special education are approved by the State board of education as to location, constitution, and size of classes, conditions of admission and discharge of pupils, equipment, courses of study, methods of instruction, and qualification of teachers.

The State superintendent of public instruction shall superintend the organization of such classes and shall enforce the provisions of this act.

On or before the 1st day of October of each year the president and secretary of each board of school directors shall report to the proper county or district superintendent the amount expended by the district in the preceding school year for instruction in such classes or such schools or for such instruction outside the public schools of the district. On or before the 1st day of November of each year the said county or district superintendent shall make to the superintendent of public instruction, on blanks to be furnished by him, tabulated returns by districts of the amounts so expended for instruction in special classes or special schools within the school district or in the provision of special instruction outside the public schools of the district. There shall be paid to each district by order on the State treasurer, signed by the superintendent of public instruction, from funds to be appropriated by the legislature for the purpose, an amount equal to one-half the total expense incurred by said district for instruction in such special classes and special public schools and in the provision of such special instruction outside the public schools of the district.

Funerals in Private Houses—Rental or Temporary Furnishing of Certain Articles for Use at, Prohibited. (Reg. Dept. of H., Aug. 6, 1919.)

From and after the promulgation of this regulation no undertaker, or person or persons acting in the capacity of undertaker, or funeral director, or any other person shall rent or temporarily furnish for use at a funeral in any private house any carpet, rug, drapery, clothing, or artificial flowers.

Joint County and Municipal Hospitals—Establishment, Equipment, and Maintenance of, by Counties and Third-Class Cities Within Such Counties. (Act 136, May 23, 1919.)

SECTION 1. That the county commissioners of any of the several counties and the corporate authorities of any city of the third class located within such county are hereby authorized to agree upon a site within the limits of such county and to erect thereon a joint county and municipal building or buildings to be used by such county and city as a hospital for general purposes, or as a hospital for the care and treatment of communicable diseases, or both.

SEC. 2. The said county commissioners and corporate authorities may choose for the site of such joint county and municipal hospital or hospitals land owned and held by the county or land owned and held by the city.

SEC. 3. Whenever the site chosen consists of land owned and held by the county, the respective county commissioners may convey in fee to such city, at private sale, upon a fair valuation, such an undivided interest therein as shall be agreed upon. Whenever the site chosen consists of land owned and held by the city, the respective corporate authorities may convey in fee to such county,

at private sale, upon a fair valuation, such an undivided interest therein as shall be agreed upon.

Any sale or conveyance of land or interest therein made pursuant to the aforesaid provisions of this act shall be subject to the approval of the court of common pleas of the proper county as to the amount agreed to be paid and as to the terms and conditions thereof.

SEC. 4. The county commissioners and corporate authorities may acquire, in the name of such county and city, in such proportions of undivided interest as shall be agreed upon, by purchase, condemnation, or otherwise, such real estate, either vacant or occupied, as the respective county commissioners and corporate authorities may deem necessary to furnish a suitable site for the hospital or hospitals herein provided for, and may sell, convey, transfer, or abandon the same, or any part thereof, as the said county commissioners and corporate authorities may determine.

SEC. 5. Whenever the county commissioners and the corporate authorities can not agree with the owner or owners of real estate which may have been selected as aforesaid, after having decided upon the size and location of such real estate, the said county commissioners and corporate authorities may enter upon, and take possession of, and occupy such land for the purposes herein provided. The title to such real estate shall be vested in the respective county and city in fee simple. The funds in the office of the treasurers of such county and city shall be security to the owner or owners of any real estate so taken for all damages sustained by the taking of such real estate.

SEC. 6. After entry by the county commissioners and corporate authorities upon such land, the said county commissioners and corporate authorities, or the owner or owners of such real estate or anyone in behalf of all, may petition the court of common pleas to appoint a board of three viewers from the county board of viewers. Said court, when appointing such viewers, shall fix a time when the viewers shall meet upon the premises and view the same, which time shall not be less than 20 days nor more than 30 days after such appointment. Notice of the view shall be given to all parties in interest as the court may direct.

SEC. 7. The viewers, having been duly sworn or affirmed according to law, shall view and examine the land so taken, and shall hear such parties as may desire to be heard. Hearings may be adjourned from time to time as the viewers may direct. After completion of the examination of the real estate, and hearing of the parties interested, the viewers shall decide, and make a true report to the court, concerning the matters set forth in the petition. Immediately after the filing of such report, notice of such filing shall be given to all parties interested, in such manner as the court may direct, which notice shall state that, unless exceptions be filed thereto within 30 days after the filing thereof, the same will be confirmed absolutely.

SEC. 8. Within 30 days after the filing of any report, exceptions thereto may be taken by any party or parties interested in such real estate. Immediately after the filing of such report the prothonotary shall mark the same "confirmed nisi." Where no exceptions are filed thereto, said prothonotary shall enter a decree that the report is confirmed absolutely; where exceptions are filed, the court shall confirm, modify, or change such report, or refer the report back to the same or new viewers.

SEC. 9. Within 30 days after the filing of any report, an appeal therefrom may be taken by any party or parties interested to the court of common pleas, demanding a trial by jury.

SEC. 10. Within six months after the final confirmation of any report, or within six months after a verdict and final judgment on appeal for a trial by

jury, an appeal to the supreme or superior court may be taken by any party or parties interested in such real estate, as in other cases.

SEC. 11. Any amount of money awarded as herein provided, if refused by the person or persons entitled thereto, shall be paid into court, and thereafter all such persons shall look to said fund for all damages accruing by reason of the taking of such real estate.

SEC. 12. All costs and witness fees in any condemnation proceedings shall be paid equally by the county and city: *Provided*, That in cases where an appeal is taken by any property owner from the award of the viewers, and the appellant does not recover any greater amount than the viewers awarded, the appellant shall pay all costs of such appeal.

SEC. 13. The said county commissioners and corporate authorities shall adopt plans and specifications for the erection of such hospital building or buildings as may be deemed necessary. Upon approval of such plans and specifications by the court of common pleas of the proper county, the county commissioners and corporate authorities are authorized to erect upon such site the building or buildings according to the plans and specifications so adopted and approved. If any lands purchased or condemned have erected thereon any buildings suitable for the purposes provided for by this act, the county commissioners and corporate authorities are authorized to use such buildings and to make such repairs and alterations thereto as may be necessary.

SEC. 14. The said county commissioners and corporate authorities may enter into a joint contract or contracts and agreement or agreements for the construction, repair, alteration, maintenance, and operation of such hospital building or buildings, and for the payment by each of the proportionate share of the cost thereof. Such contracts and agreements may from time to time be modified or altered, upon approval thereof by the court of common pleas of the proper county. Similar agreements may be made, as herein provided, as to the manner and extent of the occupancy of such hospital building or buildings and such other agreements as may be necessary to properly carry out the provisions of this act not otherwise herein provided for.

SEC. 15. The said county commissioners and corporate authorities may make rules and regulations for the proper conducting of such hospital or hospitals, and may make a joint agreement or agreements for the purchase of the necessary equipment therein, and may make and enter into agreements for the employment and compensation of the required number of physicians, surgeons, nurses, and other employees necessary for the proper conduct of such hospital or hospitals.

SEC. 16. The county commissioners of such county and the corporate authorities of any such city may incur or increase the indebtedness of the county or city to an amount sufficient to pay its share of the real estate required and of the constructing of the hospital building or buildings aforesaid, together with the necessary equipment therein, by issuing coupon bonds, at a rate not exceeding 6 per cent per annum and the principal thereof reimbursable at a period not exceeding 30 years from the date of authorization.

Deputy State Commissioner of Health—Appointment, Qualifications, Duties, and Compensation. (Act 191, June 4, 1919.)

SECTION 1. That the governor, by and with the consent of the senate, be, and he is hereby, authorized to appoint a deputy commissioner of health, who shall be a physician of at least 10 years' professional experience and a graduate of a legally constituted medical college.

SEC. 2. It shall be the duty of the deputy commissioner of health to perform the duties of the commissioner of health whenever a vacancy occurs in the office of the commissioner of health, or whenever by reason of absence or incapacity the commissioner of health is unable to perform the duties of the office, until such vacancy is filled or disability removed. It shall also be the duty of the deputy commissioner of health to regularly perform such duties heretofore conferred by law upon the commissioner of health as the commissioner of health may specify or direct.

SEC. 3. The deputy commissioner of health shall receive an annual salary of \$6,500 and his expenses actually and necessarily incurred in the performance of his official duties, to be paid in the same manner that other salaries and expenses are paid to the commissioner of health and his assistants and employees.

State Quarantine—Discontinued—Offices Abolished—Lease or Sale of Property to United States Government. (Act 276, June 26, 1919.)

Whereas the Government of the United States has established and is maintaining at the Delaware Bay entrance to the port of Philadelphia an effective and sufficient quarantine to secure this Commonwealth against the introduction of pestilential, contagious, and infectious diseases; and

Whereas the operation of the State quarantine is a duplication of the quarantine maintained by the United States Government: Therefore,

SECTION 1. *Be it enacted, etc.,* That the State quarantine as provided for by the laws of this Commonwealth is hereby discontinued and determined and the State quarantine board, the office of quarantine physician, the office of health officer for the port of Philadelphia, and all offices, places, and appointments held under the State quarantine board are hereby abolished.

SEC. 2. All books, records, papers, and documents now in possession, custody, and control of the State quarantine board or any of its employees, or in the possession, custody, and control of the quarantine physician or the health officer for the port of Philadelphia, shall be immediately transferred and delivered to the possession, custody, and control of the State department of health. Such department shall keep the books, papers, records, and documents so secured in a place suitable for their protection and for reference.

SEC. 3. The title to all the real and personal property, located at Marcus Hook on the Delaware River, now owned by the Commonwealth in connection with the State quarantine station, is hereby vested in the board of commissioners of public grounds and buildings. Such board shall have immediate possession of such property, and may exercise such control over the same as to it may seem necessary or expedient.

SEC. 4. The board of commissioners of public grounds and buildings is authorized to lease to the United States Government any and all of the property of the Commonwealth used in connection with said quarantine station. The board of commissioners of public grounds and buildings is authorized to enter into agreements with the proper authorities of the United States Government providing for the ascertainment, by appraisalment or otherwise, of the value of the property of the Commonwealth now used in connection with the State quarantine station at Marcus Hook, and to provide for the sale of such property to the United States Government. The board is authorized to execute the necessary deed or deeds providing for the conveyance of such real estate of the Commonwealth to the United States Government upon the payment into the treasury of the Commonwealth of the consideration agreed upon.

No lease or sale of the said real estate shall be executed by said board unless there is contained in the contract of lease or sale a stipulation whereby the United States Government agrees to use the Marcus Hook station as a place of inspection.

SEC. 5. The following acts of assembly are hereby repealed—namely,

The act, approved the 5th day of June, 1893 (pamphlet laws, 293), entitled "A supplement to an act entitled 'An act to establish a health office and to secure the city and port of Philadelphia from the introduction of pestilential and contagious diseases, and for other purposes,' approved the 29th day of January, 1818, empowering the governor to suspend the State quarantine, creating a quarantine board, authorizing the governor to appoint a quarantine physician, and to purchase or lease or acquire land for a State quarantine station, and thereupon to abandon the present lazaretto."

The act, approved the 1st day of July, 1895 (pamphlet laws, 419), entitled "An act to authorize the establishment of a quarantine inspection station by the Commonwealth, defining the powers and duties of the State official at such station, and authorizing the continuance of the present State quarantine station until October 1, anno Domini 1895."

Boards of Health in Third-Class Cities—Creation, Organization, Powers, and Duties. (Act 166, May 27, 1919.)

SEC. 33. That article 11, section 1, of said act [act approved June 27, 1913, relating to third-class cities] which reads as follows:

"SECTION 1. The council of any city of the third class of the State of Pennsylvania may, by ordinance, create a board of health. The organization, powers, and duties of said board of health shall be as provided by laws now in force in relation to boards of health," be, and the same is hereby, amended to read as follows:

SECTION 1. The council of any city of the third class by ordinance may create a board of health. The organization, powers, and duties of said board of health shall be as provided by laws now in force in relation to boards of health, except the members, officers, and subordinates thereof may be appointed by the council.

SEC. 34. That article 11, section 3, of said act, which reads as follows:

"SEC. 3. The city clerk in cities of the third class shall be ex officio secretary of the board of health, in case the council of said city shall create a board of health under the provisions of this act," be, and the same is hereby, repealed.

Bakeries and Bakery Products—Sanitary Regulation—Health Certificates Required of Employees. (Act 325, July 9, 1919.)

Definitions.—a. The word "bakery," as used in this act, shall mean and include all buildings or parts of buildings, cellars, and basements wherein labor is employed and which are used for the mixing and other preparation of all ingredients entering into the manufacture, as well as the manufacture and handling, of all bakery products intended for sale.

b. The word "products," as used in this act, shall mean and include macaroni, bread, cakes, crackers, biscuits, pies, crullers, rolls, pretzels, and all other things usually manufactured in a bakery and intended for human consumption, as well as all ingredients entering into their manufacture.

c. The word "person," as used in this act, shall mean and include all persons, firms, partnerships, associations, and corporations. It shall also include the masculine, feminine, and neuter gender, as well as the singular and plural.

d. The word "department," as used in this act, shall mean the Department of Labor and Industry of the Commonwealth of Pennsylvania.

SECTION 1. That all bakeries shall be drained and plumbed in the manner as is now or may hereafter be prescribed by law and the rules and regulations promulgated by the proper authority in pursuance of law.

SEC. 2. All bakeries shall be well lighted, and shall be so constructed that at least 200 cubic feet of fresh air per minute will be admitted to that part of the bakery where one and not more than three persons are employed in the manufacture of such products. If more than three persons are so employed therein, then for each such person over three, spending three hours or more at a time therein, the quantity of air admitted shall be increased by a [at] least 66 cubic feet. If, to produce the ventilation herein required it becomes necessary, in any particular instance, to install mechanical means for that purpose, such means shall be of a permanent, practical, and substantial nature, capable of producing the ventilation herein required, and shall be approved by the department: *Provided, however,* That where, in bakeries established at the time of the passage of this act, compliance with the provisions of this section requires alterations or additions, or where such mechanical means become necessary, their completion or installation shall not be required prior to the 1st day of July, 1920, or within such additional period of time as the department may specify.

SEC. 3. All bakeries shall have tight floors, constructed of cement, wood, or tiles laid in cement, free from crevices or open joints. The inside walls, except partitions, shall be plastered or otherwise hard and smooth surfaced. All inside walls, including partitions and overhead space, shall be kept free from crevices and open joints, and shall be painted or lime washed.

SEC. 4. The furniture, utensils, containers, troughs, machinery, implements, tools, and all other equipment shall be kept clean and sanitary, and shall be so constructed or kept as to permit of the entire surface of the floor and all shelves and other structures to be readily flushed or otherwise cleaned at least once each week.

SEC. 5. No shelves, hangers, brackets, or other thing or things, consuming room on the floor, walls, or the overhead space, and not actually used in the manufacture of such products, shall be permitted in such bakery.

SEC. 6. All receptacles, containers, tools, utensils, implements, and materials of all kinds shall, where practicable, be kept suitably covered when not actually in use.

SEC. 7. All doors, windows, and other openings, leading into or out of bakeries, shall be screened, and shall be so constructed and maintained as to admit the most light and air reasonably possible under the circumstances.

SEC. 8. The preparation or manufacture of such products in such bakery for any purpose by persons other than those regularly engaged or employed therein is hereby prohibited. No domestic pet or other animals shall be permitted in any bakery.

SEC. 9. Reasonably adequate toilet and washing facilities shall be provided in the building wherein a bakery is located. The use of washing facilities shall be strictly observed by all persons employed or permitted to work in bakeries, before beginning and during work, as well as after every use of the toilet. Such facilities, and all rooms used for living or sleeping purposes by persons employed therein, shall be kept in a clean and sanitary condition, and all living and sleeping rooms shall be separate from the portion of the building used as a bakery.

SEC. 10. Every person while engaged in the course of the manufacture of such products shall wear special suitable outer clothing of a readily washable and closely woven material, which shall be thoroughly boiled and cleansed at least once each week. No clothes or other personal apparel shall be kept in such

bakery. Every employer shall provide suitable clothes closets in the premises, separate from that portion used as a bakery.

SEC. 11. All water used in the manufacture of such products and for cleaning purposes shall be pure and wholesome, and no water not pure and wholesome shall be used.

SEC. 12. The wagons and other means of conveyance, the boxes, baskets, and other receptacles in which such products are contained, transported, received, or stored, shall at all times be kept clean and wholesome. They shall be well covered, ventilated, screened, or otherwise protected from flies, vermin, and other means of contamination. No person, offering such products for sale, shall permit the same to be handled or touched by persons seeking to purchase, except to deliver same to such purchaser. Bakery products shall not at any time be wrapped in anything but clean unused paper.

SEC. 13. Hereafter no certificate shall be issued to permit the use of a cellar or basement for the manufacture of such products which had not been used as such prior to the passage of this act, or wherein the operation of a bakery had been discontinued for the six months or more next preceding the passage of this act, or wherein hereafter the operation of a bakery shall have been discontinued for a period of six consecutive months or more, unless, in either case, the same shall be at least 9 feet in height, and in all other respects comply with the provisions of this act. Where the operation of a bakery in a cellar or a basement shall have been undertaken or resumed prior to the passage of this act, and without the approval of the department, either as a new bakery or after having been discontinued as a bakery for a period of six months or more, such bakery shall nevertheless come within the prohibition of this section.

SEC. 14. No person who is afflicted with any communicable disease or skin affection shall be employed or permitted to work in such bakery anywhere in the process of the manufacture of such products. Every person so employed or permitted to work shall obtain a certificate from a duly licensed physician, certifying that such person is free from any communicable disease or skin affection, and no person shall be employed or permitted to work as aforesaid in such bakery without having first obtained such a certificate. Said certificate shall be kept on file in the premises at all times while the person to whom the certificate refers is employed or permitted to work therein. The certificate shall be valid for a period of six months, and may be revoked at any time prior thereto if the condition of such person warrants it.

SEC. 15. The department of labor and industry, acting through its duly constituted agency and proper agents, shall be charged with the enforcement of the provisions of this act. It shall have exclusive power to institute proceedings to punish violations hereof, except as to sections 1, 11, and 14 of this act, the provisions of which may be enforced and proceedings for the violation of which may be instituted by the proper State or local authorities. All orders of the department must be complied with within 10 days after receipt of written notice thereof or within such additional period of time as the department may specify.

SEC. 16. The department shall, from time to time as may become necessary, formulate reasonable rules and regulations for compliance with, and for the enforcement of, the provisions of this act, and shall notify the proprietor of every known bakery in the State of Pennsylvania by mailing a copy thereof to the address where such bakery is located.

SEC. 17. The department shall issue appropriate certificates permitting the operation of such bakeries as shall comply with the provisions of this act, and it shall be lawful to operate such bakery accordingly until such certificate is duly suspended or revoked: *Provided, however,* That in bakeries coming within

the provisions of section 2 hereof [sic], failure to comply with the provisions of said section 2 during the period or periods therein provided for shall not prevent the issuance of such certificate nor cause the same to be suspended or revoked. No bakery not now established shall be operated without such certificate having been first obtained, and every bakery established at the time of the passage of this act shall obtain such certificate within 30 days after the passage of this act or within such additional period of time as the department may specify. No bakery shall be operated while the certificate issued for the same is suspended or after it shall have been revoked as hereinafter provided. Such certificates shall be effective only in the premises to which it refers, and shall be conspicuously displayed therein. Whenever a bakery or the business of baking conducted therein changes ownership, the new owner shall within 10 days thereafter notify the department of that fact, giving his correct name or title.

SEC. 18. The agents appointed by the department to supervise the operations of bakeries for the purposes of this act shall, at all reasonable times, have free access to all those parts of every building used for baking purposes, including sleeping and other accommodations supplied for the use of the persons employed therein, and shall not be hindered or interfered with in the reasonable performance of their duties.

SEC. 19. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall for the first offense be fined \$10 and costs. Upon conviction for a second like offense, such person shall be fined \$25 and costs. In addition, the department may suspend the certificate from the bakery where the violation occurred for such period as the department may decide, not to exceed 30 days. Upon conviction for a third like offense, such person shall be fined \$50. In addition, the department may suspend the certificate for the bakery where the violation occurred for such period as it may decide or may revoke it. Before any application for a certificate may be refused, or before any certificate hereinbefore provided for may be suspended or revoked by the department, the applicant, accused, or person affected shall be given a hearing conducted by the commissioner of the department or his deputy, to be held, upon not less than 10 days' written notice, at a place to be designated by the department within the county wherein the place of business applied for or of the accused or the place of employment of the person affected is located. The notice shall state the reasons for the contemplated refusal, or the nature, time, and place of the offense charged, or the nature of the disqualification alleged, as well as the time and place of the hearing. The hearing shall be conducted in accordance with such rules and regulations as the department may from time to time prescribe, and a copy of which shall accompany such notice.

SEC. 20. Whenever any section or sections or part or parts of a section of this act shall for whatever reason become or be declared to be inoperative or void, the remainder of the sections or of such section shall be and remain in full force and effect.

Eggs—Business of Opening and Separating Contents from Shell—Licenses.

Eggs Unfit for Food—Sale Prohibited—Denaturing. (Act 143, May 23, 1919.)

SECTION 1. That section 1 of an act^{*} approved the 11th day of April, 1913, entitled "An act supplementary to an act entitled 'An act for the protection of the public health by prohibiting the sale, offering for sale, exposing for sale, or

^{*} Pub. Health Repts. Reprint 264, p. 396.

having in possession with intent to sell, of eggs unfit for food, as herein defined, and prohibiting the use of such eggs in the preparation of food products; providing penalties for the violation thereof and providing for the enforcement thereof,' approved the 11th day of March, anno Domini 1909; providing for the denaturing by kerosene of all eggs unfit for food within the meaning of said act; and providing penalties for the violation thereof," which reads as follows:

"SECTION 1. That it shall be unlawful for any person, firm, or corporate body, by by himself, herself, itself, or themselves, or by his, her, its, or their agents, servants, or employees, to sell, offer for sale, expose for sale, or have in possession with intent to sell, eggs that are unfit for food, within the meaning of the act entitled 'An act for the protection of the public health by prohibiting the sale, offering for sale, exposing for sale, or having in possession with intent to sell, of eggs unfit for food, as therein defined, and prohibiting the use of such eggs in the preparation of food products; providing penalties for the violation thereof and providing for the enforcement thereof,' approved the 11th day of March, anno Domino 1909, for any purpose, use, cause, or reason whatsoever, unless the same shall have first been denatured with a sufficient quantity of kerosene to render all of the same unfit for use in the preparation of food and food products; and further providing that the shells of all such eggs that may be unfit for food, as hereinbefore mentioned, shall first be removed or broken, by smashing or otherwise, so as to permit a free impregnation of the whole of the egg substance by the denaturing fluid; and all persons violating any of the provisions hereof shall be guilty of a misdemeanor and subject to the same penalties as provided in the act to which this is a supplement," is hereby amended to read as follows:

SECTION 1. That it shall be unlawful for any person, copartnership, association or corporation, to conduct, at any given place, any business of opening eggs and separating the egg content from the shell and using or disposing of the content thereof for any purpose, unless he, she, it, or they have first applied for and secured a license so to do from the dairy and food commissioner. The form of such license shall be prescribed by the dairy and food commissioner. The application for a license, in addition to other matters which may be required to be stated thereon by said dairy and food commissioner, shall contain an accurate description of the place where the proposed separation of eggs is intended to be carried on, and the name and style under which said business is proposed to be conducted. If the said application is satisfactory to the dairy and food commissioner, and said name and style shall not, in the judgment of the dairy and food commissioner, be calculated to deceive or mislead the public as to the real nature of the business so proposed to be carried on, the dairy and food commissioner shall issue to the applicant a license authorizing him, her, it, or them to engage in the business of opening the eggs and separating the egg content from the shell; for which said license the applicant shall first pay the annual sum of \$50. The said license fee, when received by the dairy and food commissioner, shall be by him immediately covered into the State treasury for the use of the Commonwealth. Such license shall not authorize the holder thereof to carry on the business of opening the eggs and separating the egg content from the shell at any place other than that designated in the application and license. All licenses shall be taken out for a full year.

The opening of eggs unfit for food purposes and their denaturing by kerosene shall not be permitted in any building or premises where the opening of eggs for food purposes is carried on, and such eggs as are found to be unfit for food purposes must be placed in containers, painted of a bright red color, and such red-colored containers must not be used for wholesome eggs, nor be found in establishments where food products are prepared; and violations of either of

these provisions shall be a misdemeanor and subject to the same penalties as the act of which this is a supplement.

It shall be unlawful for any person, copartnership, association, or corporation, by himself, herself, itself, or themselves, or by his, her, its, or their agents, servants, or employees, to sell, offer for sale, expose for sale, or have in possession eggs that are unfit for food within the meaning of an act entitled "An act for the protection of the public health, by prohibiting the sale, offering for sale, exposing for sale, or having in possession with intent to sell, of eggs unfit for food as therein defined, and prohibiting the use of such eggs in the preparation of food products; providing penalties for the violation thereof, and providing for the enforcement thereof," approved the 11th day of March, A. D. 1909, for any purpose, use, cause, or reason whatsoever, unless the same shall have first been denatured with a sufficient quantity of kerosene to render all of the same unfit for use in the preparation of food and food products; and further providing, that the shells of all such eggs that may be unfit for food, as hereinbefore mentioned, shall first be removed or broken by smashing or otherwise so as to permit a free impregnation of the whole of the egg substance by the denaturing fluid.

For the purpose of enforcing the provisions of this act the department of agriculture, through its officers, the dairy and food commissioner and his agents and assistants, shall have full access to all places of business, factories, mills, buildings, cars, vessels, barrels, tanks, containers, and packages of whatever kind used in keeping, storing, shipping, and handling eggs, and shall have power to take a sufficient quantity of eggs therefrom, upon or offering payment for the same, for the purpose of making an analysis thereof.

All persons, copartnerships, associations, or corporations violating any of the provisions of this act or interfering with or refusing to give access to the dairy and food commissioner or any of his agents or assistants, when securing quantities of eggs for the purpose of analysis, shall be guilty of a misdemeanor and subject to the same penalties as provided in the act to which this is a supplement.

Sausage—When Deemed Adulterated. (Act 355, July 10, 1919.)

SECTION 1. That section 3 of the act approved the 6th day of April, 1911 (pamphlet laws, 51), entitled "An act providing for the protection of the public health and the prevention of fraud and deception by prohibiting the sale, the offering for sale, or exposing for sale, or the having in possession with intent to sell of adulterated or deleterious sausage; defining sausage; and prescribing the penalty for the violation thereof," which reads as follows:

"SEC. 3. That for the purpose of this act sausage shall be deemed to be adulterated—

"First. If it contains added water in excess of the quantity required to bring the amount up to that which the meats from which it is prepared contain immediately after slaughter.

"Second. If it contains any cereal or vegetable flour.

"Third. If it contains any coal-tar dye, boric acid or borates, sulphites, sulphur dioxide, sulphurous acid, or any other substance injurious or deleterious to health.

"Fourth. If it contains any diseased, contaminated, filthy, or decomposed substance; or is manufactured in whole or in part from a diseased, contaminated, filthy, or decomposed substance, or a substance produced, stored, transported, or kept in a way or manner that would render the article diseased, contaminated, or unwholesome; or if it is any product of a diseased animal

or the product of any animal which has died otherwise than by slaughter," is hereby amended to read as follows:

SEC. 3. That for the purpose of this act sausage shall be deemed to be adulterated:

First. If it contains added water or ice in excess of the quantity required to bring the amount up to that which the meats, from which it is prepared, contain immediately after slaughter, excepting such water and ice as may be added for the purpose of facilitating grinding, chopping, and mixing, and which shall in no case exceed 5 per cent.

Second. If it contains any cereal or vegetable flour.

Third. If it contains any coal-tar dye, boric acid, or borates, sulphites, sulphur dioxide, sulphurous acid, or any other substance injurious or deleterious to health.

Fourth. If it contains any diseased, contaminated, filthy, or decomposed substance; or is manufactured in whole or in part from a diseased, contaminated, filthy, or decomposed substance or a substance produced, stored, transported, or kept in a way or manner that would render the article diseased, contaminated, or unwholesome; or if it is any product of a diseased animal or the product of any animal which has died otherwise than by slaughter.

Food, Drugs, or Preparations Containing Wood Alcohol—Sale or Distribution. (Act 408, July 17, 1919.)

SECTION 1. That it is unlawful for any person, partnership, association, or corporation, to sell, or offer or expose for sale, or have in his or its possession with intent to distribute, or sell, any food, drug, preparation, or mixture of any kind whatsoever, intended for internal use, which contains methyl or wood alcohol; or to sell, or offer or expose for sale, or have in his or its possession with intent to sell, or distribute, or use upon or apply to the body of another, any drug, hair tonic, bay rum, or similar preparation, intended for external use, which contains methyl or wood alcohol.

SEC. 2. Nothing in this act shall apply to veterinary remedies containing methyl or wood alcohol, when such remedies are plainly and distinctly labeled in such a manner as to indicate that they are intended solely for external use on animals; nor shall this act apply to medicated liniments used for external use.

SEC. 3. Any person, partnership, association, or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a penalty of \$500 for each offense.

Nonalcoholic Drinks—When Deemed Misbranded. (Act 242, June 16, 1919.)

SECTION 1. That section 4 of an act, approved the 11th day of March, 1909 (pamphlet laws, 15), entitled "An act relating to nonalcoholic drinks; defining the same; and prohibiting the manufacture, sale, offering for sale, exposing for sale, or having in possession with intent to sell, of any adulterated or misbranded nonalcoholic drinks; and providing penalties for the violation thereof, and providing for the enforcement thereof," which reads as follows:

"SEC. 4. That, for the purpose of this act, a nonalcoholic drink shall be deemed to be misbranded:

"First. If it be in imitation of or offered for sale under the distinctive name of another article, or if it is colored or flavored in imitation of the genuine color or flavor of another substance.

"Second. If it be labeled or branded or tagged so as to deceive or mislead the purchaser.

"Third. If the bottle or receptacle containing it, or its label, shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular: *Provided*, That any nonalcoholic drink which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded under the following conditions:

"a. In the case of mixtures or compounds which may be now, or from time to time hereafter, known as nonalcoholic beverages under their own distinctive names, and not an imitation of or offered for sale under the name of another article.

"b. In the case of nonalcoholic beverages which are labeled, branded, or tagged so as to plainly indicate that they are compounds, imitations, or blends, and the word 'compound,' 'imitation,' or 'blend,' as the case may be, is plainly stated on the container in which it is offered for sale: *Provided*, That the term 'blend,' as used herein, shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients not prohibited by this act, and used for the purpose of coloring or flavoring only," be, and the same is hereby, amended to read as follows:

SEC. 4. That for the purpose of this act a nonalcoholic drink shall be deemed to be misbranded:

First. If it be an imitation of or offered for sale under the distinctive name of another article, or if it is colored or flavored in imitation of the genuine color or flavor of another substance.

Second. If it be labeled or capped or branded or tagged so as to deceive or mislead the purchaser.

Third. If the bottle or receptacle containing it, or its label or cap, shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular: *Provided*, That any nonalcoholic drink which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded under the following conditions:

a. In the case of mixtures or compounds which may be now, or from time to time hereafter, known as nonalcoholic beverages under their own distinctive names, and not an imitation of or offered for sale under the name of another article.

b. In the case of nonalcoholic beverages which are labeled, capped, branded, or tagged so as to plainly indicate that they are compounds, imitations, artificial, or blends, and the word "compound," "imitation," "artificial," or "blend," as the case may be, is plainly stated on the container in which it is offered for sale: *Provided*, That the term "blend," as used herein, shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients not prohibited by this act and used for the purpose of coloring and flavoring only.

Garbage, Refuse, and Ashes—Collection and Disposal in Third-Class Cities. (Act 172, May 31, 1919.)

SECTION 1. That section 3 of article 5 of the act, approved the 27th day of June, 1913 (pamphlet laws, 568), entitled "An act providing for the incorporation, regulation, and government of cities of the third class; regulating nomination and election of municipal officers therein; and repealing, consolidating, and extending existing laws in relation thereto," be hereby amended by adding thereto the following:

49. To appropriate money and enter into contracts for the collection and disposal of garbage, ashes, and other waste and refuse matter, or any thereof; and to appropriate money, purchase equipment, and conduct a municipal collection and disposal of garbage, ashes, and other waste or refuse matter, or any thereof.

Sewerage Systems and Sewage-Disposal Works of Boroughs—Extension of Service Outside Borough Limits. (Act 210, June 7, 1919.)

SECTION 1. That whenever any borough is maintaining and operating a sewerage system and sewage purification or disposal works, it shall be lawful for such borough to supply sewerage service to municipalities, persons, and corporations, outside the limits of such borough, and to enter into contracts for such service at rates not less than those required to be paid by persons and corporations within the limits of such borough, but no such privilege shall conflict with the rights of any sewer company or the rights of any other borough.

SEC. 2. That for the purpose of supplying such sewerage facilities, any such borough may extend the necessary sewer mains and pipes beyond the limits of such borough to the points where such sewerage is to be collected and received, and shall have the power to enter upon and condemn such lands, property, and materials for the construction of such sewer mains and pipes as may be necessary to the furnishing of such sewerage service.

SEC. 3. Before entry shall be made upon private property, without the owner's consent, for the purpose of laying any such sewer mains or pipes or constructing such sewer collection system outside of the limits of the borough, security for all damages which may be done shall be first given to such owner, in such form and in such amount as the court of common pleas of the county may direct; and all damages caused by the construction or laying of such sewer mains or pipes or by the taking of lands and materials therefor shall be ascertained in the manner provided for the assessment of damages for the taking of lands for public improvements in boroughs, and such damages shall be paid from the borough treasury.

Animals and Fowl—Keeping and Slaughtering of, in Third-Class Cities. (Act 411, July 17, 1919.)

SECTION 1. That from and after the passage of this act, it shall be lawful for any city of the third class to prohibit the keeping and slaughtering of horses, cows, calves, swine, sheep, goats, and other animals or fowls deemed objectionable by the department of health in any dwelling, rooming house, or tenement, or any part thereof; nor shall any of the aforesaid animals or such fowl be kept in the yard of any such building or the lot thereof or the property adjoining, in closely built-up sections, without the person desiring to keep the same first having obtained a permit from the department of health. Application for such permit shall be accompanied by a fee of 50 cents, and such permit when granted shall expire not later than the calendar year for which it is issued.

Comfort Stations in Certain Cities—County Commissioners May Make Appropriations to Assist in Construction and Maintenance of. (Act 308, July 8, 1919.)

SECTION 1. That the county commissioners of any county may appropriate moneys to assist any city or borough, being the county seat within the boundaries of such county, to construct and maintain comfort stations.

Toilet Rooms and Water-Closets in Foundries and Certain Mills—Establishment, Maintenance, and Sanitation. (Act 164, May 27, 1919.)

SECTION 1. That section 1 of the act, approved the 7th day of June, 1911 (pamphlet laws, 673), entitled "An act requiring foundries to be provided with toilet room and water-closet; regulating same; and providing a penalty for violation thereof," which, as amended by the act, approved the 4th day of April, 1918 (pamphlet laws, 42), entitled "An act to amend an act, approved the 7th day of June, 1911, entitled 'An act requiring foundries to be provided with toilet room and water-closet; regulating same; and providing a penalty for violation thereof,'" reads as follows:

"SECTION 1. That every person, firm, or corporation, being the owner or lessee of any foundry for the casting of iron, steel, brass, or other metal, wherein 10 or more men shall be employed, shall cause to be established and maintained in a place conveniently accessible, and connected with said foundry in such a manner that access thereto can be had without exposure to the open air, a toilet room of suitable size, wherein said employees may change their clothes. Such toilet room shall be provided with washbowls, sinks, or other suitable fixed appliances, duly connected and supplied with running hot and cold water. There shall also be established and maintained, separate from said toilet room, a suitable water-closet. It shall be the duty of the factory inspector or his duly authorized agent to enforce the provisions of this act. For that purpose the factory inspector or his duly authorized agent may enter at any reasonable time any foundry, for the purpose of inspecting the same, to ascertain whether the provisions of this act have been complied with," is hereby further amended to read as follows:

SECTION 1. That every person, firm, or corporation being the owner or lessee of any foundry for the casting of iron, steel, brass, or other metal, or any rolling mill, boiling mill, heating mill, or finishing mill, wherein 10 or more men shall be employed, shall cause to be established and maintained, in a place conveniently accessible and connected with said foundry, rolling mill, boiling mill, heating mill, or finishing mill, in such a manner that access thereto can be had without exposure to the open air, a toilet room of suitable size, wherein said employees may change their clothes. Such toilet room shall be provided with washbowls, sinks, or other suitable fixed appliances, duly connected and supplied with running hot and cold water. There shall also be established and maintained, separate from said toilet room, a suitable water-closet. It shall be the duty of the factory inspector or his duly authorized agent to enforce the provisions of this act. For that purpose, the factory inspector or his duly authorized agent may enter, at any reasonable time, any foundry, rolling mill, boiling mill, heating mill, or finishing mill, for the purpose of inspecting the same to ascertain whether the provisions of this act have been complied with.

SEC. 2. Section 2 of said act, which reads as follows:

"SEC. 2. The said toilet room and the said water-closet shall be connected with the foundry building in such a way that access thereto may be had without exposure to the open air, and shall be properly heated, ventilated, cleaned, and protected, so far as reasonably practicable, from the dust of such foundry," is hereby amended to read as follows:

SEC. 2. The said toilet room and the said water-closet shall be connected with the foundry, rolling mill, boiling mill, heating mill, or finishing mill building, in such a way that access thereto may be had without exposure to the open air, and shall be properly heated, ventilated, cleaned, and protected, so far as reasonably practicable, from the dust of such building.

Health Insurance Commission—Creation, Powers, and Duties. (Act 392-A, July 18, 1919.)

SECTION 1. That a commission is hereby created, to be known as the health insurance commission, which shall—

1. Continue the investigation begun and carried on by the commission appointed under the act¹ approved the 25th day of July, 1917 (pamphlet laws, 1199), entitled "An act to establish a commission to investigate sickness and accident not compensated under the workmen's compensation act of 1915 of employed persons and their families and to make an appropriation for such commission."

2. Make a study of proposed and existing systems of health insurance in this and other countries.

3. Make a careful study of possible remedial legislation which shall provide adequate medical care for employees and their families during sickness, afford a means of meeting the wage loss suffered by employees during such periods of sickness, and stimulate state-wide interest and active work in sickness prevention.

SEC. 2. The commission shall hold public meetings in different parts of the Commonwealth, and shall submit to the general assembly of 1921 a full final report, including such recommendations for legislation by bill or otherwise as in its judgment may seem proper.

SEC. 3. The commission shall consist of three senators, to be appointed by the president pro tempore of the senate; three representatives, to be appointed by the speaker of the house of representatives; and five other persons, not members of the general assembly, to be appointed by the governor.

SEC. 4. The commission shall have power to elect its chairman and other officers, to examine witnesses, books, and papers respecting all matters to be investigated, to issue subpoenas, to compel the attendance of witnesses and the production of books and papers, to administer oaths, to employ a secretary, experts in the matters to be investigated, and all necessary clerical and other assistants, to purchase books and all necessary supplies, and to rent halls for hearings. If the commission shall appoint from its members subcommittees to make an inquiry, the subcommittees shall have the same powers for the examination of persons and papers and to administer oaths as are herein conferred upon the commission. Salaries and other expenses of the commission shall be paid upon vouchers approved by the chairman of the commission up to the amount appropriated by the general assembly.

SEC. 5. The commissioner of health and the commissioner of labor and industry are hereby directed to cooperate with the commission and to render it any such proper aid and assistance as in their judgment may not interfere with the proper conduct of their respective departments, and as far as possible rooms in buildings owned or leased by the Commonwealth shall be assigned to the commission for hearings or other purposes.

SEC. 6. The sum of \$15,000, or so much thereof as may be necessary, is hereby specifically appropriated for the actual and necessary expenses of the commission in carrying out the provisions of this act. Payment of the money shall be on order of the chairman of the commission and on warrant of the auditor general.

¹ Supplement 37 to the Pub. Health Repts., p. 451.

PHILIPPINE ISLANDS.

Aerated Waters and Soft Drinks—Manufacture and Bottling. (Reg. Health Service, Oct. 14, 1919.)

1. The product must be made with distilled or artesian water or boiled water which has been kept at a temperature of 100° C. for at least one-half hour and be practically sterile at the time the bottles are filled.

2. All connections from the still or boiling tanks to charging machine shall be of a permanent character.

3. Bottles must be cleaned and safeguarded in the following manner and order:

(a) Brushed in warm water.

(b) Filled with and kept in water at a temperature of 100° C. for 30 minutes (or its equivalent approved by the director of health or his authorized representative) and rinsed or cooled in distilled water or water which has been boiled and is uncontaminated.

(c) Each bottle after having been thoroughly washed and rinsed should be separately and carefully inspected by a competent person and any bottles found to be dirty or having suspicious signs of uncleanness should be rejected and washed again.

(d) Protected from contamination until used.

4. All corks, stoppers, caps, siphons, or any other parts of the containers which are not permanently attached thereto must previous to using be boiled for 30 minutes and rinsed or cooled in sterile water, which water shall not again be used for the same purpose.

5. Sirups shall be safeguarded in the following manner:

(a) Made of sugar only and boiled in covered cauldrons.

(b) Conserved in containers which may be easily cleansed and which will protect from contamination.

(c) Suitable sirupers must be used so that sirup will not be handled or contaminated between the time of boiling and that of bottling.

6. The personal cleanliness of employees is essential, and the washing of their hands with soap and hot water on entering the factory and after each visit to the toilet will be required.

7. The premises shall be kept clean and well drained.

8. All aerated-water factories must be connected with the sewer.

PORTO RICO.

Leprosy—Reports of Cases—Marriage of Infected Persons Prohibited—Construction, Equipment, and Operation of Leper Asylum. (Act 76, June 24, 1919.)

SECTION 1. That a board to be known as the board of the leper asylum is hereby constituted, consisting of the commissioner of health, the commissioner of the interior, two members of the insular board of health, and one member of the institute of tropical medicine and hygiene, to be designated by the governor, for the purpose of carrying out the survey, installation, and regulation of the leper asylum in the interior of the island, with all the powers necessary for compliance with the provisions of this act.

SEC. 2. That for the construction of pavilions for the treatment and asylum of male, female, and child lepers, a pavilion for officers, a pavilion for the technical personnel and subordinates, purchase of furniture for the same, and for the acquisition of agricultural, horticultural, and floricultural implements and instruments, and land, if necessary, the sum of \$65,000 is hereby appropriated out of any funds in the treasury not otherwise appropriated: *Provided*, That in the payment of this appropriation it shall have prelation over any other appropriations made at this or at the preceding session of the legislature, except such as are contained in the budget of ordinary expenses of the insular government.

SEC. 3. That the said board, in accord with the Governor of Porto Rico, may select for the construction of the leper asylum, in an adequate place, tillable lands of the people of Porto Rico of an area of not less than 20 cuerdas. If the lands belonging to the people of Porto Rico are not adequate or have not sufficient water, the said board shall then have power to acquire land of an area not less than 20 cuerdas in any part of the island. Such acquisition may be made by private purchase if possible to do so at a reasonable price, and, if not, through condemnation proceedings pursuant to the law of forcible expropriation now in force.

SEC. 4. That the leper asylum to be constructed under this act shall not constitute a nuisance unless special damages are shown.

SEC. 5. That the director of the leper asylum shall keep a book in which to enter, on the admission of a patient, the following data: Name, surnames, age, civil status, nationality, profession, sex, and domicile.

SEC. 6. That no inmate shall leave the leper asylum without authorization from the commissioner of health.

SEC. 7. That inmates may receive visits from their parents or friends once a week on the day appointed by the interior regulations of the asylum.

SEC. 8. The children born of lepers in the asylum, after a reasonable period of observation shall be transferred to the insular charity asylum if not lepers.

SEC. 9. That any physician who in the practice of his profession shall have knowledge of the existence of a case of leprosy shall be bound to report it to the nearest health authority.

SEC. 10. That school-teachers who become suspicious of a case of leprosy among their pupils shall immediately request observation of the case by a physician health officer or municipal charity physician, or, in default thereof, by a local physician.

SEC. 11. That owners of houses, hotels, and other lodging establishments, who receive a leper or a person under suspicion as such, shall be bound to report such cases to the health officer within the following 24 hours.

SEC. 12. That physicians who shall fail to make the report referred to in section 9 hereof shall be cautioned and punished as provided by the sanitation law now in force.

SEC. 13. That the directors or higher employees of the leper asylum who shall violate the provisions of this act shall be admonished by the commissioner of health, who may request their removal on proper charges.

SEC. 14. That school-teachers, owners of houses, and owners of hotels and other lodging establishments, failing to comply with the provisions of sections 10 and 11, shall be punished by fine of from \$50 to \$200 or the corresponding term of imprisonment.

SEC. 15. That the department of health shall have power to issue and enforce compliance with such regulations as it may deem necessary for the government of lepers remaining at their own homes, and shall direct the reclusion in the asylum of any leper who, being isolated in his domicile, shall contravene and violate said regulations.

SEC. 16. That the marriage of a leper to a healthy person, or of two persons suffering from leprosy, is hereby prohibited.

Communicable Diseases—Appropriation to Create an Emergency Fund for the Prevention, Control, or Suppression of. (J. R. 31, June 20, 1919.)

SECTION 1. That the sum of \$20,000 is hereby appropriated out of any funds in the treasury of Porto Rico, from receipts accruing in the fiscal years 1919-20 and 1920-21, for the purpose of creating an emergency fund for the payment of physicians, health inspectors, and other temporary employees, and of providing adequate places for the isolation of patients and of purchasing such disinfectants and medicines as it may be necessary to employ to aid in the prevention, control, and suppression of epidemics of dangerous and transmissible diseases in Porto Rico, whenever it may be necessary to prevent their introduction into the island or their propagation from one locality to another, and of providing a contingent fund to meet the extraordinary and unforeseen needs of the department of health in regard to such epidemics. Said appropriation shall be available until exhausted and shall be expended by the commissioner of health.

Uncinariasis and Malaria—Appropriation for Construction of Hospitals for Studying and Combating—Location of Hospitals. (Act 66, June 20, 1919.)

SECTION 1. That out of any funds in the treasury, from receipts for the fiscal years 1919-20 and 1920-21, the sum of \$40,000 is hereby appropriated for the construction of four buildings of the value of \$10,000 each, two of which shall be used as hospitals for studying and combating uncinariasis, and the other two for identical purposes in regard to malaria.

SEC. 2. That said hospitals shall be unfailingly located, two in the zone where uncinariasis prevails most intensively, and the other two in the corresponding zone for malaria, in the discretion of the insular board of health.

SEC. 3. That in the biennial general appropriation act for 1919-21 the necessary appropriation shall be made to defray the expenses of equipment, personnel, medicines, food, etc., for the four hospitals to which this act refers, which shall not be for more than 50 patients each.

Institute of Tropical Medicine and Hygiene—Object—Organization—Operation—Appropriations—Report to Legislature. (Act 51, June 14, 1919.)

SECTION 1. That sections 1, 2, 7, 9, 10, 11, 12, and 13 of an act¹ entitled "An act to organize the Institute of Tropical Medicine of Porto Rico," approved March 13, 1913, are hereby amended to read as follows:

SECTION 1. That the object of the Institute of Tropical Medicine and Hygiene of Porto Rico shall be the study of the etiology, prophylaxis, and treatment of diseases common to this country and latitude, and to offer to physicians theoretical practical courses of instruction in said diseases: *Provided*, That when the development of the institution permits it shall offer courses of instruction to health officers and hygiene inspectors.

SEC. 2. That the institute shall be composed of permanent and associate members. The permanent members shall be physicians residing in Porto Rico, experienced in tropical medicine and specialists in the laboratory technique necessary for investigations. The commissioner of health, the president of the board of medical examiners, and the president of the insular board of health shall also be permanent members ex officio. The technical force of the institute shall consist of two permanent members, one of whom shall be the director of the institution, and of a secretary, who shall be a physician and specialist, all of whom shall be appointed by the governor, with the consent of the senate: *Provided*, That on recommendation of the Institute the Governor of Porto Rico is hereby authorized to request of any department or departments of the Federal government to detail one or more medical officers of said department or departments, experienced in tropical medicine, to cooperate with the institute, and such officers shall be permanent members ex officio of said institute.

SEC. 7. That upon the recommendation of the institute, and with the approval of the senate, the governor shall appoint as many associate members as may be deemed necessary for the better operation of the same, which associate members shall receive no compensation whatever; but when on active service of the institute or discharging any commission thereof, they shall receive a per diem of \$15 and actual traveling expenses.

SEC. 9. That the institute shall fix the date and duration of the course or courses of study for each year, and shall prepare the program of studies, and designate such associate members as shall take part in each session. It shall issue diplomas showing that the course of study has been successfully passed, and shall establish registration and examination as well as incidental fees, and shall regulate all matters relative to the operation of the institution, giving due publicity to all such matters.

SEC. 10. That the secretary of the institute is hereby authorized to receive all kinds of fees, donations, contributions, and other resources that may be assigned for the maintenance of the institute: *Provided*, That all funds received from any of said sources shall be deposited by the secretary in the treasury of Porto Rico, to constitute a trust fund to be known as "Receipts of the Institute of Tropical Medicine and Hygiene, Trust Fund," and with the approval of the governor shall be available for expenditure in the acquisition of scientific material for the institution.

SEC. 11. That on recommendation of the institute the governor shall appoint the technical auxiliary and office personnel, permanent and temporary, of the institute, and the institute, with the approval of the governor, shall appoint such subordinate employees as it may need in its expeditions.

¹ Pub. Health Repts. Reprint 264, p. 416.

SEC. 12. That to cover the current expenses of the institute, installation of its offices, purchase of instruments, apparatus, and books for all purposes of its development, including scientific expeditions to different parts of the island, the maintenance of dispensaries, maintenance of patients under observation in insular or municipal hospitals, purchase of medicine and utensils, salaries and contingent expenses, the necessary sum shall be annually appropriated in the general appropriation act, and said amount shall be disbursed in accordance with the provisions of this act.

SEC. 13. That all salaries and other expenses of the institute shall be paid on vouchers approved by the secretary of the institute and the auditor of Porto Rico in the manner at present prescribed by law. The auditor shall annually, or as often as he may deem necessary, likewise revise the accounts of the secretary of the institute: *Provided*, That the secretary of the institute shall submit a printed report to the legislature during the first 10 days of each regular session on the work done by the institute and on the expenditure and condition of its receipts, and making such recommendations as he may deem advisable as to matters within his jurisdiction.

Municipalities—Powers and Duties of Health Officers—Copies of Health Ordinances to be Transmitted to the Insular Commissioner of Health—Repeal of Certain Laws. (Act 85, July 31, 1919.)

SEC. 31. That the municipal commissioner of health of each municipality shall have all the functions and powers, and shall perform all the duties of present health officers within the respective municipality, subject, as hereinbefore provided under section 9, to the provisions of the organic act and to the sanitation law, and regulations of the island, and shall have charge of the civil register of the municipality, subject to the laws regulating it.

SEC. 60. A copy of every approved ordinance of a sanitary character shall be transmitted to the insular commissioner of health.

SEC. 75. The municipal law, and all laws or parts of laws in conflict herewith, are hereby repealed. Paragraph 1 of section 26 of "An act to reorganize the sanitation service," approved March 14, 1912, as amended by act 25 of March 28, 1914, which reads as follows is hereby especially repealed:

"**SEC. 26.** That there shall be appointed by the director of sanitation, with the approval of the Governor of Porto Rico, for each municipality of the island, a health officer, whose salary shall be fixed by, or in accordance with, law, the appointees to be physicians qualified to practice and they shall have practiced in the island for a period of at least one year: *Provided*, That where the director shall consider it advisable he may unite two or more municipalities under a single health officer: *And provided further*, That in municipalities of the second and third class the municipal doctor, with the approval of the director of sanitation and so long as the said director of sanitation may deem it advisable, may also render services as sanitary inspector, receiving from the insular treasury such salary as may be fixed by the director of sanitation, not exceeding \$60 per month, in addition to such salary as may be fixed for him by the municipality."

That part hereinafter copied of section 36 of the said "Act to reorganize the sanitation service," approved March 14, 1912, as amended by act No. 25 of March 28, 1914, is also especially repealed hereby:

"**SEC. 36.** That beginning July 1, 1914, the treasurer of Porto Rico is hereby authorized and directed to deduct from any funds in his possession, pertaining

to the respective municipalities, an amount equal to 6 per cent of the net revenues of each municipality, which amounts shall be covered into the general funds of the insular treasury to meet, in part, the expenses incurred by the service of sanitation, and shall be in addition to any expense incurred by the respective municipalities under the provisions of section 26 of this act: *Provided*, That the term 'net revenues' as used in this section shall be construed to mean the sum of the 'ordinary funds' and 'road funds' available for expenditure during the year: *And provided, further*, That."

Births—Registration of Those Not Previously Registered. (Act 21, May 29, 1919.)

SECTION 1. That section 1 of an act^{*} entitled "An act providing for the registration of births and suspending for one year any act in conflict herewith," approved March 11, 1918, is hereby amended to read as follows:

"SECTION 1. That from and after the approval of this act, the term of two years is hereby granted for registration in the proper registry of such births as for any reason shall not have been registered in any of the civil registers of the island."

SEC. 2. That section 3 of said act is hereby amended to read as follows:

"SEC. 3. That any provisions of the law of civil registry in conflict herewith are hereby suspended for a term of two years from the date of the approval of this act, but shall be in force and effect upon the expiration of such term."

Establishments Where Women or Children Under 18 Years of Age Work—Ventilation—Water Supply and Sanitary Drinking Cups—Cleanliness of Establishments in Dust-Producing Occupations. (Act 73, June 21, 1919.)

SEC. 12. That every employer or head of an establishment where women or children under 18 years of age work shall direct and see that there shall be in each working department of said establishment appropriate and sufficient means of ventilation, potable water, and sanitary cups. If, during the course of the day's work, excessive heat, vapor, gases, dust, or other impurities obnoxious to health are produced, the department shall be ventilated in such manner as to be put in good condition in accordance with the health laws.

SEC. 13. That every establishment where women or children under 18 years of age work in dust-producing occupations shall be whitewashed and painted at least once every 12 months, of which the bureau of labor shall be notified.

The floors of the rooms of such establishments shall be perfectly washed with soap and water at least once a month, and all dressing and toilet rooms of said establishments shall be properly washed every day.

Patent Medicines—Registration. (Proclamation May 21, 1919.)

ARTICLE 1. No person, firm, syndicate, corporation, proprietor, or administrator of a pharmacy or drug store, and no business, industry, or manufactory in the island of Porto Rico devoted to the preparation of patent medicines designed for pharmacological uses shall offer for sale said medicines in any drug store, pharmacy, or any other commercial establishment, or distribute them from house to house, or give any free samples, unless the medical formula of said preparation shall have been previously registered in the registry kept for that purpose by the service of sanitation.

^{*} Supplement 38 to the Pub. Health Repts., p. 335.

ART. 2. The appellant [applicant?] shall present to the commissioner of health an application in which shall be stated—

1. That the preparation desired to be registered is in accordance with the dispositions of section 8, subsection 2 of the paragraph under "Drugs" of the Federal pure food and drug act, approved by the Congress of the United States on June 30, 1906, in force in the island of Porto Rico; it shall also be in accordance with regulation No. 28, subscribed to by the secretaries of agriculture, treasury, commerce and labor, and which text is regulated by said section 8 of that law.

2. Name of preparation.

3. Name of applicant, specifying whether proprietor, importer, or agent.

4. The name of place where the preparation is prepared or manufactured.

5. The posological form and container in which the preparation is presented.

6. The name in English or Spanish of all the ingredients of the preparation except those that are physiologically inactive or inert.

7. Therapeutic effects claimed for preparation.

8. Exact text of all advertising matter that accompanies the preparation or that is distributed separately by circulars, pamphlets, leaflets, or in any other form.

9. If the applicant resides outside of Porto Rico he shall express in the application the name and address of his agent or representative in this island.

ART. 3. With the application that is to be presented to the commissioner of health shall be included two samples of the preparation in the form in which it is to be sold, either in package, box, bottle, etc., as well as a copy of the advertisements which are to be made public, and their form and make-up can not be changed without previous authorization from the department of health.

ART. 4. The service of sanitation shall not make known the ingredients contained in the preparation presented for examination unless by order of competent authority.

ART. 5. A book shall be kept in the office of the commissioner of health in which shall be registered the name of the preparation, the number given it in said register, also a copy of the analysis which shall be made to prove the accuracy of the formula of the patented preparation.

ART. 6. The director of the chemical laboratory, after having made the analysis of the patented preparation which is presented for registration, shall give to the applicant for his protection a certified copy of the registry of the patented preparation, with the details entered in the registry book of the office, and the interested person is only obliged to place on the label or outer wrapping of the container that holds the patented medicine the date and registry number in the register book. For each authorized copy of the registry of a patent preparation the interested person shall pay a fee of \$5 in internal-revenue stamps, which shall be affixed to said certificate.

ART. 7. All firms, syndicates, owners, or agents of patent medicines are forbidden to make reference on their labels or in their advertisements that the service of sanitation guarantees or recognizes the merits of the therapeutic action of the patent medicine registered. It is allowable to express in a suitable place that the patent medicine has been duly registered in accordance with article 6.

ART. 8. The commissioner of health and all officers of the service shall require the strict fulfillment of this law and shall denounce every infringement thereof before the competent court. The infringement of any of the disposi-

tions of this regulation shall be punished as provided by article 33^{*} of the law of sanitation in force since April 1, 1912.

ART. 9. The foregoing restrictions shall have no retroactive effect and thus will not be applicable to patent medicines that are already being handled by insular merchants, the ingredients of which may be unknown to their owners, but in contrary cases they must be subject to registry. And for the due fulfillment of this regulation, after it be put in force, the department of health shall make a general inventory, in the form considered best, of the patent medicines that are handled by the merchants of Porto Rico.

ART. 10. All rules and regulations in conflict herewith are hereby repealed.

ART. 11. This regulation shall take effect from and after its approval by the executive council and after promulgated and published as provided in section 13⁴ of "An act to reorganize the service of sanitation," approved March 14, 1912.

Plumbers—One Class Only—Licenses. (Proclamation May 21, 1919.)

ARTICLE 1. Article 9⁵ of sanitary rules and regulations No. 7, as amended by sanitary rules and regulations No. 59, is hereby amended so as to read as follows:

ART. 9. For the purpose of unifying the trade of "plumbing," from and after January 1, 1919, there shall be but one class or grade of plumbers, who shall have the same knowledge of the trade, identical rights, and equal responsibilities, and for the exercise of the said trade only one class of license shall be issued, which shall bear the word "plumber," and the issuance of licenses of three classes to master plumbers, journeymen plumbers, and apprentice plumbers shall be discontinued: *Provided*, That those persons to whom licenses of journeymen plumbers were issued before January 1, 1919, shall be permitted to work as such for their own account and on their own initiative, provided the examining board of plumbers, with the approval of the commissioner of health, without new examination authorize them for said work, issuing special certificates: *Provided, however*, That the children who study the trade of plumbing in the Boys' Charity School shall be permitted to take the examination before leaving the said school without paying any dues, and after they pass the examination a provisional license will be issued to them to work as assistant plumbers until they are 18 years old, when the license of plumber shall be issued to them.

^{*} Pub. Health Repts. Reprint 200, p. 185.

⁴ Id., p. 180.

⁵ Supplement 38 to the Pub. Health Repts., p. 336.

RHODE ISLAND.

Ophthalmia Neonatorum—Reports of Cases—Preventive Treatment. (Ch. 1757, Act Apr. 23, 1919.)

SECTION 1. Section 25 of chapter 343 of the general laws, entitled "Of offenses against the person," as amended by chapter 1081¹ of the public laws, passed at the January session, A. D. 1914, and further amended by chapter 1641² of the public laws, passed at the January session, A. D. 1918, is hereby amended so as to read as follows:

SEC. 25. That any diseased condition of the eye or eyes of any infant in which there is inflammation, redness, swelling, or any unnatural discharge at any time within two weeks after birth shall, for the purpose of this act, be deemed to be ophthalmia neonatorum.

It shall be the duty of the physician, nurse, or midwife attending the birth of an infant immediately after such birth to treat the eyes of such infant with a prophylactic remedy as may be recommended and furnished by the State board of health.

It shall be the duty of any physician, midwife, nurse, parent, or other person or persons assisting any woman in childbirth or assisting in the care of any infant to report within 12 hours after noting the same any such case of ophthalmia neonatorum coming to his or her attention to the local health officer of the city or town within which the mother of such infant shall have been at the time of confinement.

It shall be the duty of physicians, midwives, and such other persons as may be lawfully engaged in the practice of obstetrics or assisting at childbirths to inform parents or guardians of the serious nature and consequences of this disease and to advise the use of prophylactic measures designated by the State board of health.

For the purpose of this act, midwives, who previously have not been permitted to use medical agents under any conditions, may employ the approved prophylactic of the State board of health with the consent of the parent or guardian.

Venereal Diseases—Examination of Certain Prisoners for—Treatment and Quarantine When Infected. (Ch. 1788, Act Apr. 24, 1919.)

SECTION 1. Chapter 347 of the general laws entitled "Of offenses against chastity, morality, and decency," and the several acts in amendment thereof and in addition thereto, is hereby further amended by adding thereto the following sections:

SEC. 42. Any person convicted for any violation of the foregoing section, or of any other statute relating to lewd or lascivious behavior or unlawful sexual intercourse, and [who?] shall be confined or imprisoned in the State prison or county jail or other institution for more than 10 days, may be exam-

¹Pub. Health Repts. Reprint 279, p. 160.

²Supplement 33 to the Pub. Health Repts., p. 337.

ined by the State board of health for venereal disease through duly appointed licensed physician[s] as agents; and any such person so examined may be detained until the result of such examination is duly reported; and if found with venereal disease in an infectious stage, such person shall be treated therefor and, if a menace to the public, quarantined in accordance with rules and regulations, not inconsistent with law, of the State board of health, which is hereby authorized to formulate and issue the same. Refusal to comply with or obey such rules or regulations shall constitute a misdemeanor and be punishable by fine, not to exceed \$250, or by imprisonment, not to exceed three months, or by both such fine and imprisonment.

Secretary of State Board of Health—Salary. (Ch. 1758, Act Apr. 23, 1919.)

SECTION 1. Section 2 of chapter 363 of the general laws entitled "Of salaries and clerical assistance and appropriations," as amended by chapter 1093^{*} of the public laws passed at the January session, A. D. 1914, is hereby amended by changing the items in said section referring to the salary of the secretary of the State board of health which now reads: "Secretary of the State board of health, \$3,000" so as to read: "Secretary of the State board of health, in full compensation for his services in connection with said State board of health, \$3,500."

Pathologist of State Board of Health—Appointment, Powers, Duties, and Salary—Appointment and Salary of Assistant Pathologist. (Ch. 1753, Act Apr. 23, 1919.)

SECTION 1. Chapter 115 of the general laws, entitled "Of the State board of health," as amended by chapter 386 of the public laws, passed at the January session, A. D. 1909, and as further amended by chapter 1070^{*} of the public laws, passed at the January session, A. D. 1914, is hereby amended to read as follows:

SEC. 14. The board shall appoint a well qualified pathologist, who shall, under the direction of the board, have full charge of the pathological and bacteriological part of the laboratory maintained by the board, and shall conduct and supervise the pathological and bacteriological researches made in such laboratory, and who shall devote all of his time to the office. He may, with the consent of the board, appoint an assistant pathologist, and the board shall fix the salaries of said pathologist and assistant, but not exceeding \$4,000 annually for the pathologist, nor \$2,000 annually for the assistant pathologist, and such salaries shall be in full compensation for any of their services in connection with said board.

Division of Child Welfare—Establishment, Maintenance, Powers, and Duties—Appointment, Qualifications, Duties, and Compensation of Director—Employees—Appropriations. (Ch. 1769, Act Apr. 24, 1919.)

SECTION 1. Chapter 115 of the general laws, entitled "Of the State board of health," is hereby amended by adding thereto the following sections:

"SEC. 18. The State board of health shall establish and maintain a division of child welfare for the study and application of measures for the prevention of maternal and infant mortality; for the preparation and issuance of child health literature, the suppression of diseases of young children, and the organizing of child-welfare work; and for the institution of such other measures for

^{*} Pub. Health Repts. Reprint 279, p. 161.

^{*} Pub. Health Repts. Reprint 279, p. 161.

the protection of the lives and the improvement of the health of young children as the State board of health shall direct.

"SEC. 19. Said division of child welfare shall be in charge of a director who shall have received a degree of doctor of medicine and who shall have special knowledge of health in its relation to the child. The said director shall devote full time to the duties required by this act, and, under the direction of the State board of health, shall perform the duties necessary to carry out the provisions of this act, and such other duties as the State board of health may prescribe; and the State board of health is hereby authorized and empowered to appoint such director and to fix the compensation of said director not to exceed the sum of \$3,500 annually. The State board of health may also employ all necessary assistants and incur such expenses within the sum or sums appropriated by the general assembly for the purposes of this act.

"SEC. 20. The general assembly shall annually appropriate such sum as it may deem necessary for the carrying out of the provisions and purposes of this act. Such appropriation to be paid upon receipt by the State auditor of proper vouchers signed by the president and secretary of the State board of health and approved by the governor."

SEC. 2. For the purpose of carrying into effect the provisions of this act during the fiscal year ending December 31, 1919, the sum of \$5,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, and the State auditor is hereby directed to draw his orders upon the general treasurer for the payment of said sum, or so much thereof as may from time to time be required, upon receipt of vouchers approved by the governor.

SEC. 3. This act shall take effect on and after the 1st day of July, A. D. 1919, and all laws and parts of laws inconsistent herewith are hereby repealed.

SOUTH CAROLINA.

Venereal Diseases—Reports of Cases—Unlawful for Infected Person to Expose Others to Infection—Examination of Persons Suspected of Being Infected—Treatment—Isolation—Examination, Treatment, and Isolation of Prisoners—State Board of Health to Make Regulations. (Act 17, Feb. 14, 1919.)

SECTION 1. Syphilis, gonorrhea, and chancroid hereinafter designated as venereal diseases are hereby declared to be contagious, infectious, communicable, and dangerous to the public health. It shall be unlawful for anyone infected with these diseases or any of them to expose another to infection.

SEC. 2. Any physician or other person who makes a diagnosis in or treats a case of venereal disease, and any superintendent or manager of a hospital, dispensary, or charitable or penal institution in which there is a case of venereal disease shall make a report of such case to the health authorities according to such form and manner as the State board of health shall direct: *Provided*, That nothing herein contained shall be so construed as to require or allow any physician or other person herein required to make such report to divulge the name or names of any person or persons, male or female, who may be afflicted with such diseases.

SEC. 3. State, county, and municipal health officers, or [in] their respective jurisdictions, are hereby directed and empowered, when in their judgment it is necessary to protect the public health, to make examination of persons being [sic] or suspected of being infected with venereal disease, to require persons infected with venereal diseases to report for treatment until cured or to submit to treatment provided at public expense, and to isolate persons infected or reasonably suspected of being infected with venereal disease.

SEC. 4. All persons who shall be confined or imprisoned in any State, county, or city prison of this State may be examined and treated for venereal disease by the health authorities or their deputies. The State, county, and municipal boards of health shall have authority to take over such portion of any State, county, or city prison as may be necessary for a board of health hospital, wherein all persons who shall have been confined or imprisoned and who are suffering with venereal disease at the time of the expiration of their terms of imprisonment shall be isolated and treated at public expense until cured, or in lieu of such isolation such person may, in the discretion of the board of health, be required to report for treatment to a licensed physician or submit to treatment provided at public expense as provided in section 3 of this act.

SEC. 5. The State board of health is hereby empowered and directed to make such rules and regulations as shall in its judgment be necessary for the carrying out of the purposes of this act, including rules and regulations providing for such labor on the part of isolated persons as may be necessary to provide in whole or in part for their subsistence, and to safeguard their general health and such other rules and regulations concerning venereal diseases as it may from time to time deem advisable. All such rules and regulations so made shall be of force and binding upon all county and municipal health officers and other persons affected by this act.

SEC. 6. Any person who shall violate any of the provisions of this act or any lawful rule or regulation made by the State board of health pursuant to the authority herein granted, or pursuant to the authority granted by any other statute law, or shall fail or refuse to obey any lawful order issued by any State, county, or municipal health officer, pursuant to the authority granted in this act or any other act, or the regulations prescribed thereunder, shall be guilty of a misdemeanor, and, upon conviction thereof, shall suffer such penalty as shall be imposed by the trial judge.

Commercial Disinfectants—Sale—Registration and Analysis. (Act 84, Mar. 13, 1919.)

SECTION 1. *Marking of commercial disinfectants.*—That no commercial disinfectant be sold or offered for sale in South Carolina unless it have plainly stamped upon the container the coefficient strength as compared with pure phenol, the said coefficient to be determined by the method employed by the Hygienic Laboratory of the United States Public Health Service.

SEC. 2. *Certificate and sample to be filed with commissioner of agriculture, etc.*—That before any commercial disinfectant either is sold, offered, or exposed for sale in the State the manufacturer, importer, dealer, agent, or person who causes it to be sold or offered for sale by sample or otherwise within this State shall file with the commissioner of agriculture, commerce, and industries a statement that he desires to offer such commercial disinfectants for sale in this State, and also a certificate the execution of which shall be sworn to before a notary public or other proper official for registration, stating the name of the manufacturer, the location of the principal office of the manufacturer, and the name, brand, or trade-mark under which the said preparation or preparations will be sold, together with the guaranty, and that preparation or preparations meet the requirements of this act, and that the name or trade-mark under which the article is sold shall not mislead or deceive the purchaser in any way; also that any statement, design, or device on the label or package regarding the substance therein shall be true and correct, and any claim made for the article shall not be false or misleading in any particular, and file with the commissioner of agriculture, commerce, and industries a labeled package of each brand of goods, showing claims made for same, which labeling and claim shall not be changed during the fiscal year for which registration is made without the consent of the commissioner of agriculture, commerce, and industries.

SEC. 3. *Fees.*—For the expense incurred in registering, inspecting, and analyzing commercial disinfectants a registration fee of \$10 for each separate brand, or in lieu thereof a maximum fee of \$50 per annum, covering all brands made by a single manufacturer, shall be paid by the manufacturer or seller of same to the commissioner of agriculture, commerce, and industries during the month of July, 1919, and during the month of January in each succeeding year, said fees to be used by the commissioner of agriculture, commerce, and industries for executing the provisions of this act.

SEC. 4. *Sale, etc., of unregistered disinfectants a misdemeanor; penalty.*—Any person, company, corporation, or agent that shall offer for sale or expose for sale any package or sample or any quantity of any commercial disinfectant, or any similar preparation, regardless of the title under which it is sold, which has not been registered but subsequently found by an analysis or examination made by or under the direction of the commissioner of agriculture, commerce, and industries to violate any of the provisions of this act, or to contain harmful or injurious substances, or to be labeled with false or misleading statements

regarding contents thereof, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in the sum of \$50 for the first offense and in the sum of \$100 for each subsequent offense.

SEC. 5. Procedure upon violation of act.—Whenever the commissioner of agriculture, commerce, and industries becomes cognizant of any violation of any of the provisions of this act he shall immediately by written order suspend the sale of the goods and notify in writing the manufacturer, importer, jobber, or dealer, if the same be known. Any party so notified shall be given an opportunity to be heard under such rules and regulations as may be prescribed by the commissioner of agriculture, commerce, and industries; and if it appears that any of the provisions of this act have been violated the commissioner of agriculture, commerce, and industries shall confiscate and destroy the goods and certify the fact to the solicitor in the district in which said sample was obtained and furnish that officer with a copy of the results of the analysis or other examination of the said article, duly authenticated by the analyst or other officer making such examination under the oath of such officer. In all prosecutions arising under this act the certificate of the analyst or other officer making the analysis or examination, when duly sworn to by such officer, shall be prima facie evidence of the fact or facts therein certified.

SEC. 6. Solicitors to prosecute.—That it shall be the duty of every solicitor to whom the commissioner of agriculture, commerce, and industries shall report any violation of this act to cause proceedings to be commenced and prosecuted without delay for the fines and penalties in such cases prescribed.

SEC. 7. Disposition of moneys received.—All moneys, including fines received under the provisions of this act shall be kept as a distinct fund, to be styled the "commercial disinfectant fund," to be paid into the State treasury at the end of each month; all checks or orders in payment for registration fees under this act shall be made payable to the commissioner of agriculture, commerce, and industries, who is authorized to draw out of said funds upon his warrant such sums as may be necessary to pay all expenses incurred in connection with this act, and he shall include in his report to the general assembly an account of the operation and expenses under this act.

Tuberculous Cattle and Glandered Horses, Mules, and Asses—Inspection—Destruction and Appraisal—Payments to Owners. (Act 73, Mar. 10, 1919.)

SECTION 1, Section 522, criminal code, amended, payments for diseased animals killed by order of State veterinarian.—That subdivision 5 of section 522, Volume II, Criminal Code of South Carolina, 1912, be amended by striking out all of said subdivision after the word "section" on line 8 of said subdivision and insert in lieu thereof the following: "The value of the carcass shall be deducted from that of the living animal and three-fourths of the remainder shall be paid to the owner by the State, in cases of horses and mules, and one-third of such remainder shall be paid by the State in cases of cattle: *Provided*, That in no case shall the appraised value of a horse exceed \$150, nor of a tuberculous cow of pure breed exceed \$150, nor a grade cow more than \$75, nor shall any such animal be so appraised or paid for unless it be at least 6 months old and have been in good faith owned and kept within the State for 6 months immediately before the killing." So that said section, when so amended, shall read as follows:

SEC. 522. Neither tuberculous cattle nor glandered horses, mules or asses shall be killed as such until they have been inspected by the State veterinarian or his assistant and are pronounced by him to be so diseased. And whenever

any animal is killed because it is afflicted with either of said diseases, the actual cash value of the diseased animal immediately prior to killing and the cash value of the carcass, if any, shall be fixed within 24 hours thereafter, by appraisers chosen in the manner described in this section. The value of the carcass shall be deducted from that of the living animal and three-fourths of the remainder shall be paid to the owner by the State in cases of horses and mules and one-third of such remainder shall be paid by the State in cases of cattle: *Provided*, That in no case shall the appraised value of a horse exceed \$150, nor of a tuberculous cow of pure breed exceed \$150,¹ nor shall any such animal be so appraised or paid for unless it be at least 6 months old and have been in good faith owned and kept within the State for 6 months immediately before the killing."

¹ The following words are omitted from the law as it is printed in the session laws, but apparently should be included: "nor a grade cow more than \$75."

SOUTH DAKOTA.

Venereal Diseases—Reports of Cases—Unlawful for Infected Person to Expose Others to Infection—Treatment—Isolation or Quarantine—Repression of Prostitution—Examination, Treatment, and Quarantine of Prisoners—State Department of Health to Make Regulations. (Ch. 284, Act Feb. 21, 1919.)

SECTION 1. That syphilis, gonorrhea and chancroid hereinafter designated as venereal diseases are hereby declared to be contagious, infectious, communicable, and dangerous to the public health. It shall be unlawful for anyone infected with these diseases or any of them to expose another person to infection.

SEC. 2. Any physician or other person who makes a diagnosis in or treats a case of venereal disease, and any superintendent or manager of a hospital, dispensary, or charitable or penal institution in which there is a case of venereal disease, shall make a report of such case to the health authorities according to such form and manner as the State board of health shall direct.

SEC. 3. State, county and municipal health officers, or their authorized deputies, within their respective jurisdictions are hereby directed and empowered, when in their judgment it is necessary to protect the public health, to require persons infected with venereal disease to report for treatment to a reputable physician and continue treatment until cured, or to submit to treatment provided at public expense until cured, and also, when in their judgment it is necessary to protect the public health, to isolate or quarantine persons infected with venereal disease. It shall be the duty of all local and State health officers to investigate sources of infection of venereal disease, to cooperate with the proper officials whose duty it is to enforce laws directed against prostitution, and otherwise to use every proper means for the repression of prostitution.

SEC. 4. All persons who shall be imprisoned or confined in any State, county, or city prison in the State shall be examined for, and, if infected, treated for venereal diseases by the health authorities or their deputies. The prison authorities of any State, county, or city prison are directed to make available to the health authorities such portion of any State, county, or city prison as may be necessary for a clinic or hospital wherein all persons who may be confined or imprisoned in any such prison and who are infected with venereal disease, and all such persons who are suffering with venereal disease at the time of the expiration of their term of imprisonment, and, in case no other suitable place for isolation or quarantine is available, such other persons as may be isolated or quarantined under the provisions of section 3 shall be isolated and treated at public expense until cured, or, in lieu of such isolation, any of such persons may, in the discretion of the department of health, be required to report for treatment to a licensed physician, or submit to treatment provided at public expense, as provided in section 3. Nothing herein contained shall be construed to interfere with the service of any sentence imposed by a court as a punishment for the commission of crime.

SEC. 5. The State department of health is hereby empowered and directed to make such rules and regulations as shall in its judgment be necessary for the carrying out of the provisions of this act, including rules and regulations providing for the control and treatment of persons isolated or quarantined under the provisions of section 3, and such other rules and regulations not in conflict with the provisions of this act, concerning the control of venereal diseases, and concerning the care, treatment, and quarantine of persons infected therewith, as it may from time to time deem advisable. All such rules and regulations so made shall be of force and binding upon all county and municipal health officers and other persons affected by this act.

SEC. 6. Any person who shall violate any of the provisions of this act or any lawful rule or regulation made by the State department of health pursuant to the authority herein granted, or who shall fail or refuse to obey any lawful order issued by any State, county, or municipal health officer, pursuant to the authority granted in this act, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than a year, or by both such fine and imprisonment.

Influenza—Actions of Cities, Towns, Counties, and Townships Relative to Establishing Emergency Hospitals for and Treating Cases of, Validated. (Ch. 13, Act Feb. 21, 1919.)

SECTION 1. That all acts of the governing body of any city, town, county, or township in establishing emergency hospitals for the care and treatment of persons afflicted with the disease commonly known as Spanish influenza, and all appropriations and payments of public funds made by said governing bodies to or in behalf of any such emergency hospital or persons confined therein for medical services, nursing, or subsistence therefor, are hereby legalized and validated.

Detention Hospitals—Establishment by Cities and Counties Authorized—Payment of Expenses for Care of Persons Hospitalized. (Ch. 283, Act Mar. 1, 1919.)

SECTION 1. It shall be lawful for the city council or city commissioners of any municipal corporation of the first or second class, and the county commissioners of any county, upon application therefor by the board of health thereof, to authorize by ordinance or resolution the establishing of a pest house or detention hospital, the purchase of necessary grounds therefor, and the erection of necessary buildings thereon. Such ground may be located within or without the limits of any such municipal corporation.

SEC. 2. Whenever, by order of any such board of health, any person shall be confined in any such pesthouse or detention hospital the necessary expenses incurred by said board of health for medical attention, nursing, and subsistence shall be paid by the city or county isolating such person therein, unless such person shall be a legal resident of some other county in this State, in which case the county of his or her legal residence shall be liable therefor.

State Board of Health—Meetings—Powers. (Ch. 317, Act Mar. 3, 1919.)

SECTION. 1. That section 7667 of the South Dakota Revised Code of 1919 is hereby amended to read as follows:

SEC. 7667. *General powers.*—Such board shall hold quarterly meetings in each year, two of which shall be at the State capitol, and other meetings at such

times and places as the superintendent of the board shall designate, and shall have the power—

1. To license and regulate the practice of medicine and surgery within this State and to make all rules and regulations which may be necessary or expedient to that end.

2. To exercise general supervision over all health officers and boards, to take any active measures for the prevention and eradication of contagious or communicable diseases among people of the State, investigate sanitary conditions, learn the cause and source of disease and epidemics, observe the effect upon human health of localities and employments, and gather and diffuse proper information upon all subjects to which its duties relate; to gather, collate, and publish medical and vital statistics of general value, and advise all State officials and boards in hygiene and medical matters, especially those involved in the proper location, construction, sanitation, and administration of prisons, hospitals, asylums, and other public institutions.

3. To make, alter, and enforce such orders, directions, and regulations not inconsistent with the statutes of the State, as may be necessary for the preservation and protection of the public health. With the approval of the attorney general, and after due publication thereof as required by this chapter, such orders, directions, and regulations may be of permanent application or for specified periods throughout the whole or any part of the State.

4. To adopt, alter, and enforce, after approval by the attorney general, and after due publication as required by this chapter, regulations, not inconsistent with the statutes of the State, of permanent application or for specified periods throughout the whole or any part of the State, which regulations shall be designed to preserve and protect the public health, and by which said board may regulate by requiring the taking out of licenses or other appropriate means, control, and in proper cases prohibit and suppress any of the following matters:

(a) The manufacture into articles of commerce, other than food, of diseased, tainted, or decayed animal or vegetable matter.

(b) The business of scavenging and the disposal of sewerage.

(c) The location of mortuaries and cemeteries and the removal and burial of the dead.

(d) The management of lying-in houses and boarding places for infants, and the treatment of infants therein.

(e) The pollution of streams and other waters and the distribution of water by private persons for drinking or domestic use.

(f) The construction and equipment, in respect to sanitary conditions, of schools, hospitals, almshouses, prisons, and other public institutions.

(g) The treatment in hospitals and elsewhere of persons suffering from communicable diseases, the disinfection and quarantine of persons and places in case of such diseases and reporting of sickness and deaths therefrom.

(h) The accumulation of filthy and unwholesome matter to the injury of public health, and the removal thereof.

(i) To require the superintendent of vital statistics to furnish all information that he may have, regarding vital statistics.

(j) The supervision of slaughterhouses.

(k) The distribution by the State board of health of biological products to members of the county boards of health, which products shall be used for the cure and prevention of diphtheria and other communicable diseases.

County Public Health Nurses—Employment—Duties. (Ch. 149, Act Feb. 19, 1919.)

SECTION 1. Whenever in the opinion of the county board of health of any county in this State it is necessary, for the protection and preservation of the public health, to secure the aid and service of a trained nurse, or nurses, at the expense of the county, said board of health shall file with the county auditor of such county a written application for the employment of a trained nurse, or nurses, and a statement of the facts and conditions in regard to the public health upon which said application is based and such recommendations as to the term of employment and the compensation to be paid by the county as they may deem proper, and in case in their judgment an emergency exists a demand that the board of county commissioners be forthwith called to meet in special session to act thereon.

SEC. 2. In counties where there is no board of health and in counties where the county board of health fails, neglects, or refuses to act in such matters, 25 resident freeholders who are electors of such county may petition the board of county commissioners to secure the aid and services of a trained nurse, or nurses, at the expense of the county, and in case in their judgment an emergency exists a demand that the board of county commissioners be forthwith called to meet in special session to act thereon. The board of county commissioners in considering such petition shall give to it the same force and effect as though made by the county board of health.

SEC. 3. Upon the filing of such application by the board of health or such petition the county auditor shall forthwith call the county commissioners together in special session, providing such demand shall be made in said application or petition. In case no demand is made for special meeting of the board of county commissioners, the county auditor shall forthwith notify the county commissioners of the filing of such application or such petition, as the case may be, and it shall be the duty of the county commissioners at their next regular meeting thereafter to examine and consider the same. If sufficient grounds are set forth in such application or petition for such employment, the county commissioners may forthwith employ a trained nurse, or nurses, in accordance with the recommendations contained in such application or petition and shall fix the term of such employment and the compensation therefor, which compensation may be paid in whole or in part by the Red Cross Seal Commission of South Dakota, or other organization, or by any city or town of such county, and the remainder of all such compensation, together with the cost of transportation of such nurse, or nurses, within such county shall be paid out of the general fund of such county unless the commissioners shall, by resolution, provide for payment from some other fund. The person so employed shall be known as the "county nurse" and shall possess all of the qualifications for regularly graduated and registered professional trained nurses in this State and when in the discharge of her professional duties she shall wear, in addition to her usual nurse's uniform, a badge or brassard bearing the words "county nurse."

SEC. 4. The board of county commissioners of any county may at any time, when in their judgment and discretion the public health and interests of such county will be benefited thereby, take the same action for the employment of a county nurse as though an application or petition therefor had been previously filed.

SEC. 5. The county nurse shall, in conformity with the rules and regulations of the State board of health and medical examiners, perform such professional services as the county board of health, or county commissioners, shall deem

necessary for the protection and preservation of the public health and to this end the board of health or commissioners may require said nurse to make a physical examination of the eyes, ears, nose, throat, and teeth of any or all pupils enrolled in the public schools of the county and to forthwith report to said board of health any cases which in her opinion are cases of tuberculosis, infantile paralysis, diphtheria, smallpox, scarlet fever, measles, chicken pox, or any other contagious, communicable, or other disease disclosed by such examination; to visit any private or sectarian school which holds itself out to the public, or any part thereof, for the education of children and make similar examinations of pupils or inmates therein and report confidentially to the superintendent of board of health and to the parent, guardian, or legal custodian; to visit any person, or persons, in any hotel, rooming house, or family home afflicted with tuberculosis or other contagious or communicable disease, and to assist and direct in nursing such person or persons, and to advise and direct as to the proper method to prevent the spread of such disease, such visiting in family homes to be with consent of such persons or family, or upon the written order of the superintendent of county board of health; to visit any pest house or house of detention where any person afflicted with contagious disease may be isolated, and assist and direct as to the proper care and nursing of such person or persons; to act as visiting nurse throughout the county, or any portion thereof, and in gathering statistics or diffusing information with reference to the protection and preservation of the public health.

SEC. 6. When the county nurse is not needed in the general work of the county she may be employed by cities, towns, associations, or private individuals at such rate of compensation as the county commissioners may fix, the same to be paid to the county and placed to the credit of the fund from which the salary of the county nurse is paid.

SEC. 7. It shall also be the duty of the county nurse to make a confidential written report in duplicate showing in full the services rendered during each calendar month and to file one with State board of health and one with the superintendent of the county board of health on or before the fifth day of each succeeding calendar month, such report to be upon blank forms to be furnished by the State board of health and to set forth the number of visits made to homes and schools and other visits, if any, the names and residences of persons whom she believes to be afflicted with tuberculosis and other contagious and communicable diseases and such other information as may be required of her and such recommendations as she shall deem advisable.

SEC. 8. That it shall be unlawful for any person or persons to refuse to receive such county nurse into private homes, schools, or other places when in the discharge of her official duties as such.

SEC. 9. That any person violating any of the provisions of this act shall be guilty of a misdemeanor.

Eggs—Buying, Selling, and Trading in—Candling. (Ch. 208, Act Feb. 21, 1919.)

SECTION 1. It shall be unlawful for any person, firm, or corporation to sell, offer or expose for sale, or to traffic in eggs which are unfit for human food. For the purpose of this act, eggs shall be deemed unfit for human food if they consist in whole or in part of a filthy, decomposed, or putrid substance.

SEC. 2. It shall be unlawful for any person, firm, or corporation to use eggs that are unfit for food as defined in section 1 in the preparation or manufacture of food for public consumption; and there shall be no delivery

of eggs, render an accurate and detailed return statement to the person, firm, or corporation by whom such lot, shipment, or consignment of eggs was delivered, shipped, or consigned. This return statement shall truthfully and accurately classify and grade the eggs received by the buyer according to generally accepted commercial standards. In the case of the first buyer of eggs from the producer, such first buyer shall render to the producer a statement which shall specify the total number of eggs received and the number of eggs rejected by the process of candling as unfit for resale as food. The statement to be furnished by subsequent buyers shall include the following information for the benefit of the shipper, seller, or consignor; the total number of cases of eggs received, the number of eggs grading No. 1, the number of eggs grading as "seconds," the number of cracked eggs, the number of mashed or leaking eggs, the number of rotten eggs, or "rots" (which term shall include all eggs unfit for human food), and the shortage of eggs in the lot, shipment, or consignment. All candling records and return statements required by this act and all other records relating to any sale, purchase, or shipment of eggs shall be open at all reasonable times for examination by the commissioner or inspectors of the State food and drug department.

SEC. 7. For the purpose of enforcing the provisions of this act it is hereby required that on or before the 10th day of July, 1919, and the 1st day of April annually thereafter, every person, firm, or corporation engaged in the business of trading in eggs or of buying eggs, except retailers buying only candled eggs from licensed dealers and selling in lots not greater than one case, shall make application to the State food and drug commissioner for license to conduct such business. Any person, firm, or corporation who may desire to engage in such business after the 1st day of April of any year shall first make application to the State food and drug commissioner for license. The commissioner upon receipt of proper application upon such forms as he may provide shall issue license to engage in such business. All licenses provided for herein shall expire on the 30th day of March following the date of issue.

SEC. 8. Any person, firm, or corporation failing to comply with the requirements of this act as to license or violating any provisions of this act shall be guilty of a misdemeanor and shall on conviction for the first offense be fined not more than \$50. Upon conviction for a second or any subsequent violation of the foregoing provisions of this act, the violator shall be fined not to exceed \$100, and, in addition thereto and as part of the penalty imposed, the court may, in its discretion, authorize the State food and drug commissioner to withhold, suspend, or revoke the license of the party so convicted, either permanently or for a limited time to be specified in the judgment. Any person, firm, or corporation that shall engage in the business of buying or trading in eggs during the time specified in any such judgment, and while his license is withheld, suspended, or revoked by the operation thereof shall, upon conviction thereof, be punished by a fine of \$100 for each offense and by the permanent revocation or withholding of license to buy or trade in eggs.

Waters of the State—Prevention of Pollution. (Reg. Bd. of H., Oct. 7, 1919.)

REG. No. 118. No sewage, drainage, domestic, factory, or industrial refuse, excremental or other polluting matters of any kind whatsoever, which by itself or in connection with other matter corrupts or impairs or tends to corrupt or impair the water so as to render its use, or the use of ice formed therefrom, detrimental or dangerous to health, shall be placed in or discharged into any river, brook, stream, or any tributary or branch thereof,

or any lake, pond, or other public stream or body of water, within or bordering the State of South Dakota, from which water or ice is or may be taken for domestic purpose.

REG. No. 119. No sewage, drainage, domestic, or industrial refuse, excremental or other polluting matters of any kind whatsoever which, either by itself or in connection with other matter, corrupts or pollutes, or tends to corrupt or pollute the waters thereof, shall be placed in or discharged into any river, brook, or other public stream or body of water, within or bounding the State of South Dakota, so as to render same injurious or dangerous to the public health.

REG. No. 120. Complaint may be made to the State board of health of the violation of the provisions of the foregoing regulations. Whenever the county board of health of any county of the State or health officer or board of any city or town of the State, or 10 per cent of the electors of any county, city, or town of the State, shall file with the State board of health a complaint in writing setting forth that the waters of any river, brook, stream, or tributary or branch thereof, or of any lake, pond, or other public stream or body of water are corrupted or polluted as prohibited in the foregoing regulations, and shall specify the causes thereof, the State board of health, if it deems such complaint sufficient and warranted, will make an order appointing a hearing thereon by and the superintendent shall give such notice of said hearing by posting, publishing, or otherwise, as the board by its order shall prescribe. At such hearing any party interested may appear and be heard with reference thereto. The State board of health will thereupon make its findings, and with the approval of the attorney general make such regulations and directions as shall be required to prevent the corruption and pollution of said waters.

REG. No. 121. The State board of health will proceed of its own motion, when deemed necessary to protect the public health, to investigate alleged pollution of streams or public waters of the State, either with or without a hearing, as the board deems best, and make with the approval of the attorney general such regulations as it deems necessary in any such case.

Domestic Animals—Movement of, When Affected with Communicable Diseases. Tuberculosis in Cattle—Investigation, Control, and Eradication—Appraisal and Destruction of Diseased Animals—Payments to Owners. Animals Destroyed Because Affected with Glanders or Dourine—Payments to Owners. (Ch. 340, Act Mar. 12, 1919.)

That sections 8062, 8066, 8077, 8086, 8096, 8110, 8111, 8112, 8113, 8114, 8115, 8121, and 8126 of the Revised Code of 1919 shall be amended to read as follows:

* * * * *

SEC. 8096. It shall be unlawful for any person to transport, drive, or trail any domestic animal, knowing it to be affected by an infectious, contagious, epidemic, or communicable disease, upon, or along any railroad or public highway in this State, or to, upon, or across any land within this State except land owned or leased by the owner of such animal, or such land as may be designated by authority of the State live-stock sanitary board; and it shall be unlawful for any person to transport, drive, or trail any such animal upon, or along any railroad or public highway of this State or to, upon, or across any land within this State, in violation of any order, rule, or regulation of such board: *Provided*, That such affected animals may be moved by permission of the State live-stock sanitary board when necessary and under proper restrictions to prevent the spread of disease.

Sec. 8110. The State live-stock sanitary board is hereby authorized and empowered to take all necessary measures for the investigation, control, and eradication of the disease of tuberculosis in cattle; to cooperate with the United States Bureau of Animal Industry in establishing accredited herds; to establish and enforce quarantines, and inspect and test cattle through its accredited agents; to require the slaughter of animals adjudged to be affected with tuberculosis; to prescribe methods of appraisement and of shipping and handling such animals, and to employ necessary inspectors in such work at a salary not to exceed \$150 per month.

Sec. 8111. The owner of any cattle adjudged to be affected with tuberculosis and destroyed by order of the State live-stock sanitary board shall be paid for each such animal destroyed from the funds appropriated for that purpose one-half the difference between the appraised value of each such animal and the net salvage thereof: *Provided*, That in no case shall the payment be more than \$100 for any pure-bred animal, and not more than \$50 for any animal not of pure breeding.

Sec. 8112. No right to indemnity for animals killed shall exist, or payment be made, in any of the following cases:

1. For any animal belonging to the United States.
2. For any animal brought into the State contrary to the provisions of this article.
3. When the owner or claimant, at the time of coming into possession of the animal, knew it to be diseased.
4. When the animal reacts within one year after being brought into the State.

Sec. 8113. Indemnity for cattle destroyed on account of tuberculosis shall be paid from the funds appropriated for that purpose in the order in which claims for such indemnity are perfected until the appropriation is exhausted.

Sec. 8114. The applicant for compensation for any animal killed under the provisions of this article shall file his application with the State live-stock sanitary board, together with a copy of the appraisement and proof of the amount of salvage received for such animal, as may be required by said board. It shall then be the duty of the superintendent of said board, if the claim be properly established, to issue and file with the State auditor a certificate of the amount of indemnity to which the applicant is entitled under the provisions of this article.

Sec. 8115. The expense incurred by the State live-stock sanitary board in carrying out the provisions of this article and the money for the payment of indemnities as herein provided, shall be paid from the funds available for that purpose.

Sec. 8121. Indemnity for animals destroyed by order of the State live-stock sanitary board on account of being affected with glanders shall be paid from the appropriation available for that purpose in the order in which claims for such indemnity are perfected until such appropriation is exhausted. Owners of animals destroyed by order of the State live-stock sanitary board on account of being affected with dourine shall, after such animals have been appraised and claims perfected, be paid indemnity for each such animal in the same amount as provided for animals destroyed on account of being affected with glanders, and such indemnity shall be paid to such owners out of the appropriation available for that purpose in the order in which claims are perfected until the appropriation is exhausted.

* * * * *

Births and Deaths—Registration of Those Not Already Recorded. (Ch. 132, Act Feb. 6, 1919.)

SECTION 1. Any person having knowledge of the facts pertaining to the birth or death of any person which occurred in South Dakota, or Dakota Territory at any time, and which has not already been duly reported and recorded, may make a birth or death report or certificate of the same in the form prescribed for reporting births and deaths in this State, and after verifying the same by oath before some officer duly qualified to administer oaths, deliver the same to the clerk of courts [sic] in the county in which such birth or death occurred, and the clerk of court receiving such report or certificate shall record the same in his record of births or deaths and forward such report to the State registrar of vital statistics, who shall duly index the same, but shall not include it in the report of births or deaths for the current year.

Moving-Picture Theaters—Seating Space—Air Space—Ventilation—Heating—Cleaning. (Reg. Bd. of H., Jan. 15, 1919.)

REG. NO. 238. These regulations as adopted by the State board of health apply to all regular commercial picture houses or halls regularly used for the exhibition of moving pictures.

Minimum standards for space and ventilation; floor area.—A minimum of 4½ square feet of floor area as a seating space per occupant, exclusive of aisles and public passageways, shall be provided in the audience hall.

Cubic space.—A minimum of 80 cubic feet of air space per seat shall be provided in the audience hall.

Quantity of outdoor air.—A positive supply of outdoor air from an uncontaminated source shall be provided in the audience hall at all times, when the show place is open to the public, and the quantity of the outdoor supply of air shall be based on a minimum requirement of 15 cubic feet per minute per occupant.

Temperature.—The temperature of the air in the audience hall shall at all times, while the show place is open to the public, be maintained throughout at the breathing line (persons being seated) within the range of 62° F. to 70° F., except when the outside temperature is sufficiently high not to require the air supply for ventilation to be heated. The temperature distribution and diffusion of the supplied outdoor air shall be such as to maintain the temperature requirement without uncomfortable drafts.

Direct heat sources.—Any good heat source which does not contaminate the air will be accepted to supplement the warmed outdoor air supply. Gas radiators are prohibited.

Care of the theater.—After each performance all doors shall be opened and the building thoroughly aired. Any litter left by last occupants shall be removed before the next performance. Each day that the building is used it shall be thoroughly swept and all dust removed. A vacuum cleaner or a dustless process of sweeping shall be used.

TENNESSEE.

State Board of Health—Appointment, Powers, Duties, and Salary of Dental Assistant Secretary. County Mouth Hygienists—Appointment. (Ch. 172, Act Apr. 17, 1919.)

SECTION 1. That chapter 98 of the acts of 1877 with amendments thereto be amended by adding thereto the following:

SEC. 2. Within 30 days after the passage of this act the State board of health shall elect an assistant secretary of said board who shall be a regular licensed dentist in this State and who shall be elected from a list of five names of regularly licensed dentists, said list to be submitted and recommended by the State board of dental examiners to the State board of health.

Said assistant secretary shall keep his office at some central place in the State and shall perform the duties prescribed by this act and required by the said State board of health.

SEC. 3. That the said assistant secretary shall give his entire time to said position and shall receive an annual salary of \$3,000, to be paid monthly upon warrant drawn by the State comptroller, and his traveling and other necessary expenses while employed on the business of the board shall be allowed and paid.

SEC. 4. That the duty of said assistant secretary shall be to have general supervision of the interests of health and life of the citizens of this State, with especial reference to the care and preservation of the mouth and teeth.

He shall instruct the pupils of the public schools and inmates of the charitable institutions of the State in the importance of the care and preservation of the teeth. He shall lecture to the teachers of said schools and institutions with the purpose in view of securing their assistance in having the pupils of said schools carry out his instructions.

He shall have general supervision over the dentists and dental equipment in the various State institutions. He shall distribute such literature throughout the State as will inform the people in the proper way to care for the teeth, and shall submit an annual report to the governor and Tennessee State Dental Association on the work done by him.

SEC. 5. That to assist him in carrying out the duties of his office he shall be authorized to appoint a reputable dentist in each county seat who shall serve without compensation and shall be known as county mouth hygienist.

Adulterated Milk—Sale Unlawful—Enforcement of Act. (Ch. 109, Act Apr. 9, 1919.)

SECTION 1. That it shall be a crime to sell, to offer to sell, or to have in possession for sale or delivery sweet (cow's) milk which has in any manner been adulterated.

That the State, county, and municipal milk or dairy inspectors are hereby specially charged in common with all officers of the law with authority of making arrests and reporting violations of this statute to the grand juries of their respective counties.

SEC. 2. That not only the owner of the adulterated milk, but parties having same in their possession for delivery or sale, who wilfully and knowingly adulterated the same or who wilfully and knowingly procured the same to be adulterated, are guilty of a crime and shall be fined on first conviction \$250, and on second conviction shall be fined \$500, and be punished by confinement in the penitentiary for a period of one year: *Provided*, That no owner or proprietor of a dairy shall be deemed guilty or within the provisions of this act whose agent, employees, or servant has adulterated said milk without the knowledge or consent of said owner or proprietor.

That the grand juries of this State shall have inquisitorial power for the violations of this act and all criminal and circuit judges shall charge the same to the grand juries of the State.

Ice Cream—Definition and Standardization—Adulteration and Misbranding—Licenses for Factories. Certain Dairies, Cream Stations, etc.—Licenses. Rules and Regulations Necessary in Execution of Act to be Formulated by State Dairy Commissioner. Enforcement of Act. (Ch. 178, Act Apr. 17, 1919.)

SECTION 1. That the term "person" in this act shall be understood to include individuals, firms, partnerships, associations and corporations, both foreign and domestic.

SEC. 2. That for the purpose of this act ice cream is hereby defined and standardized:

First. Ice cream is the frozen compound, varied as to kind and proportion of ingredients, within the limits established by custom and usage.

Second. Ice cream consists chiefly of a sweetened and flavored mixture of cream, or milk and cream, or milk with or without added milk fat in the form of sound sweet butter, or, as contained in condensed, evaporated, or concentrated milk or in milk powder, and with or without added milk solids not fat and in the form of skim-milk powder, or as contained in milk powder or in condensed, evaporated, or concentrated skim milk or of sweetened and flavored homogenized or emulsified mixture of sound sweet butter, milk powder, or skim-milk powder and water, with the addition of gelatin, vegetable gums, or other wholesome stabilizer.

Third. Standard ice cream contains not less than 8 per cent milk fat, and the content of milk solids not fat combined shall be not less than 18 per cent, except that when the ingredients of standard ice cream include eggs, fruit or fruit pieces, cake, confection, cocoa, or chocolate, or nuts, such reduction of the percentage of milk fat and milk solids not fat as may be due to the addition of such ingredients shall be allowed.

Fourth. When ice cream is sold or is offered for sale without designation of its kind, quality or grade on the label, brand or tag attached to the package or container, or, in case of the removal from the original package or container, by a notice conspicuously posted in or at the place where such ice cream is sold or offered for sale as of the grade of standard ice cream or better.¹

Fifth. That it shall be unlawful to sell or offer for sale any ice cream not made from milk, cream, or other dairy products that have been pasteurized at a temperature of 145° F. for 25 minutes or 150° F. for 20 minutes, using intermittent system of pasteurization, or shall be heated to 170° F. with the flash or continuous system of pasteurization.

¹ Paragraph reads so in original law.

That for the purpose of this act ice cream shall be deemed adulterated:

First. If in quality or grade it is lower than the professed standard of quality or grade under which it is sold or offered for sale.

Second. If it contains any added poisonous or other added deleterious ingredients which may render such ice cream injurious to health.

Third. If it contains any rancid or renovated or process butter or any fat or oil other than milk fat and the fat or oil of contained eggs and nuts and the fat or oil of substances used for flavoring.

Fourth. If it contains [consists?] in whole or in part of any filthy or decomposed substance which may render such ice cream injurious to health.

That for the purpose of this act ice cream shall be deemed to be misbranded:

First. If the label, brand, tag, or notice under which it is sold or offered for sale is false or misleading in any particular as to the kind, grade, or quality, or composition of such ice cream, or if any notice to the purchaser required by this act to be given is omitted.

Second. If it is sold or offered for sale as the product of one manufacturer when in reality it is the product of another manufacturer; or if on the label, brand, tag, or notice under which it is sold or offered for sale there is any false statement concerning the sanitary conditions under which ice cream is manufactured.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall for the first offense be fined not less than \$10 nor more than \$50, and for each subsequent offense be fined not less than \$50 nor more than \$200, or be imprisoned in the county jail for not more than 12 months nor less than 60 days.

SEC. 3. That all ice-cream factories shall be required to pay an annual license fee of \$10. This license to be granted by the State dairy commissioner after inspecting the sanitary conditions of the plant.

SEC. 4. That every dairy, cream station, receiving station, shipping station, creamery, cheese factory, ice-cream factory, or condensory, or person buying or paying for milk or cream on the basis of the butter-fat content therein, shall be required to procure and have a State license, such license to be issued by the State dairy commissioner of the State of Tennessee upon the applicant therefor complying with the provisions of sections 1 to 7, inclusive, of house bill No. 336, chapter 30, of the Public Acts of the Sixtieth General Assembly of the State of Tennessee, and upon the payment by him of a license fee of \$6. The license so issued shall be valid until the next succeeding May 1, and no license shall be issued for less than one year, except in the case of a business which is begun after May 1 of any year, in which case a fee of 50 cents for each month or part thereof until the next succeeding May 1 shall be paid for such license in advance; and that

Any license issued under the provisions of this section may be revoked by the State dairy commissioner for the repeated nonobservance by the licensee of any dairy law of the State of Tennessee, or because said licensee's plant is in an unduly unsanitary condition after being given five days' written notice thereof by the State dairy commissioner; and that

If, after the revocation of a license, such former licensee shall comply with the requirements of the laws, and shall make manifest his intentions to observe them in the future, the State dairy commissioner at his discretion may issue to him another license upon his paying the requisite fee therefor.

SEC. 6. That the State dairy commissioner shall formulate such rules and regulations as may be necessary in the proper execution of this act, such rules and regulations to be made with the approval of the commissioner of agricul-

ture and the dean of the College of Agriculture of the University of Tennessee, after consulting with the Tennessee State Dairymen's Association, the Tennessee State Creamery Association, or their duly appointed agents.

SEC. 7. That it shall be the duty of every prosecuting attorney to whom the State dairy commissioner or any of his deputies shall report any violations of the provisions of this act or of any law pertaining to dairying over which the dairy commissioner has jurisdiction, to cause proceedings to be commenced against the person or persons so violating the provisions of this act or of such other law pertaining to dairying, and to prosecute the same to final termination according to the laws of the State of Tennessee.

SEC. 8. That all fees and fines collected under the provisions of this act shall be turned into the State treasury, and may be expended for the purpose of carrying into effect the provisions of this act upon the receipt of proper vouchers issued by the commissioner of agriculture.

SEC. 9. That the provisions of this act shall take effect from and after May 1, 1919, the public welfare requiring it.

Reelfoot Lake—Prevention of Pollution. (Ch. 144, Act Apr. 17, 1919.)

SECTION 1. That it shall be unlawful for any person to put sawdust, decayed or decaying animal matter, fish, offal, human feces, poisonous and other deleterious matter into the waters of Reelfoot Lake or to permit the sewage from dwellings, outhouses, etc., to be run into it.

SEC. 2. That any violation of this provision of this act shall be a misdemeanor, punishable on conviction, by a fine of not less than \$10 nor more than \$50, or confinement in the county jail, or both, at the discretion of the court.

Habit-Forming Drugs—Possession, Sale, and Dispensing. (Ch. 105, Act Apr. 12, 1919.)

SECTION. 1. That on and after the taking effect of this act, it shall be unlawful for any person in the State of Tennessee to sell, barter, distribute, prescribe, or give away any opium or cocoa [coca] leaves, or any compound [,] manufacture, salt [,] derivative, or preparation thereof: *Provided*, That this shall not apply:

(a) To the dispensing, prescribing, or distribution of any of said drugs to any patient by a physician, dentist, or veterinary surgeon registered in the State of Tennessee under the provisions of the several acts regulating the practice of their profession, in the course of his professional practice in good faith to relieve pain and suffering, or to cure an ailment, physical infirmity, or disease, and while such physician, dentist, or veterinary surgeon is personally attending such patient: *Provided*, That such physician, dentist, or veterinary surgeon does not dispense, distribute, or prescribe to any one patient more than the quantity set opposite each of the following drugs, during any one day or 24-hour period, either alone or in combination with any other drug or substance:

	Grains.
Morphine, its salts and derivative[s]-----	8
Codoin, its salts and derivatives-----	20
Heroin, its salts and derivatives-----	2
Dionin-----	20
Opium or any of its compound[s], salts, or derivatives, not above enumerated-----	10

Provided, however, That such physician, dentist, or veterinary surgeon may dispense, prescribe, or distribute to any patient incurably addicted to use of such drug, and of such drug necessary for the use of such patient for the period prescribed, not exceeding 30 days, such amount not to exceed per day the amounts specified above for any particular drug, if such patient presents to such physician, dentist, or veterinary surgeon a certificate in writing, signed by the president, chairman, or chief health officer of the county board of health or by the president, chairman, or chief health officer of the municipal board of health, of the county or municipality in which said patient resides, stating that such patient is incurably addicted to the use of the drug to be prescribed, such certificate to be signed and dated by such county or municipal officer or employee not more than 60 days prior to the date of such prescription: *And provided further,* Such physician, dentist, or veterinary surgeon so dispensing, prescribing, or distributing shall write across the back of such certificates [sic] the date, name and amount of the drug so dispensed, prescribed, or distributed and sign his name thereto and shall also write upon said certificate and prescription the beginning and ending dates of the said period for which the supply is written: *Provided further,* That no physician, dentist, or veterinary surgeon shall dispense, prescribe, or distribute any further of such drug under such certificate or otherwise during any period for which any of said drugs have already been dispensed, prescribed, or distributed to such patient by him or any other physician, dentist, or veterinary surgeon.

(b) To the sale, dispensing, or distribution of any of said drugs by pharmacists registered under the laws of the State of Tennessee governing the profession of the practice of pharmacy to a consumer under and in pursuance of a written prescription issued to such consumer by a physician, dentist, or veterinary surgeon registered in the State of Tennessee, under the provisions of the several acts regulating the practice of their profession: *Provided, however,* That such prescription shall contain the name of such consumer and be dated as of the day on which signed by the physician, dentist, or veterinary surgeon who shall have issued he same: *And provided further,* That said pharmacist shall not sell, dispense, or distribute any of said drugs or [on?] prescription in excess of the amount set forth in paragraph a above, and in case of prescription for more than one day's supply, said pharmacist shall require the presentation of the certificate issued and signed by the president, chairman, or chief health officer of the county board of health or the president, chairman, or chief health officer, of the municipal board of health upon which the physician, dentist, or veterinary surgeon issued his prescription and shall write across the back of such certificate the date, name, and amount of the drug so dispensed or distributed and the name of the physician, dentist, or veterinary surgeon upon whose prescription the drug is sold, dispensed, or distributed and shall thereto sign his name: *And provided further,* That such consumer is the same person to whom the prescription and certificate was issued and such consumer has not already had dispensed, prescribed, or distributed to him any of said drugs for the period embracing the date upon which he applies for the drug.

(c) To the sale or distribution of any of the aforesaid drugs by any wholesale druggist, dealer, or jobber within the State, to a retailer: *Provided, however,* Such retailer is not obtaining the same for the purpose of violating or evading this act.

SEC. 2. That it shall be unlawful for any person to forge, alter, or change in any respect any prescription or certificate mentioned and set forth in section 1 of this act, or to procure or cause to be written for him any certificate or prescription in a fake or fictitious name.

SEC. 3. That every wholesale or retail dealer shall keep in his place of business a register to be made in accordance with the rules and regulations hereinafter provided for; said register shall plainly show all purchases made by said persons of the aforesaid drugs, date purchased, from whom purchased, and amount of said purchase. He shall likewise keep a registry which shall show all sales of said products, including the date on which sale is made, the amount sold, and to whom sold. All retail dealers and pharmacists doing business pursuant to the terms of this act shall likewise keep on file for a period of two years all prescriptions containing such drugs, which have been filled by them. Said records of every character shall be open to inspection by all State and municipal officials who are charged with the enforcement of any law or municipal ordinance regulating the sale, prescribing, dealing in, or distribution of the aforesaid drugs. Physicians who shall dispense or distribute any of the aforesaid drugs provided by this act shall keep a duplicate of all prescriptions issued by them for a term of two years, and said duplicate shall be subject to inspection by any of the officers named in the preceding paragraph [sic].

SEC. 4. That the possession or control of any of the aforesaid drugs by any person other than those excepted in section[s] 1 and 3 of this act shall be presumptive evidence of a violation of this act: *Provided*, That this section shall not apply to any employee or any person exempted as above, who has such possession or control by virtue of his employment and not on his own account, or to any United States, State, or municipal officer,² board, or other authorities who or which has possession of any such drugs for purposes of investigation, enforcement of law, or otherwise; or a warehouseman holding possession of same for a person exempted under the provisions of this act, or to common carriers engaged in transporting such drugs: *Provided, further*, That it shall not be necessary to negative any of the aforesaid exemptions, in any complaint, information, indictment, or other with on proceeding³ laid or brought under this act, and the burden of proof of any such exception shall be upon the defendant.

SEC. 5. That the word "person" as used in this act shall be construed to impart the plural or singular, as the case demands, and shall include firms, corporations, companies, societies, and associations.

SEC. 6. That it is hereby made the special duty of the pure food and drug inspector and his duly appointed assistant inspectors and chemists to specially enforce the provisions of this act, and rules and regulations for its enforcement shall be made by the said State pure food and drug inspector and the secretary of State board of health.

SEC. 7. That any person who shall knowingly or willfully disclose any of the information contained in the registries, prescriptions, or other records mentioned in this act, except for the purpose of the enforcement of the provisions of this act, or of enforcing any other law of the State or the ordinances of any municipality, shall be guilty of a felony, and shall, upon conviction thereof, be fined and imprisoned as hereinafter provided.

SEC. 8. That the provisions of this act shall not be construed to apply to the sale, distribution, giving way, or dispensing of preparations and remedies which do not contain more than 2 grains of opium or more than one-fourth of a grain of morphine, or more than one-twelfth of a grain of heroin, or more than 1 grain of codine [codein] or any salt [or?] derivative of any of them in any 1 fluid ounce, or if a solid or semisolid preparation in 1 avoirdupois ounce; or to liniments, ointments, or other preparations which are prepared for ex-

¹ In the original law there is a period after the word "officer" and the next word, "Board," is capitalised.

² So in original law.

ternal use only, except liniments, ointments, and other preparations which contain cocaine or any of its salts or alpha or beta eucaine, or any of their salts or any synthetic substitute for them: *Provided*, That such remedies and preparations are sold, distributed, given away, or dispensed as medicines and not for the purpose of evading the intentions and provisions of this act.

The provisions of this act shall not apply to decocainized cocoa [coca] leaves, or preparations made therefrom or to other preparations of cocoa [coca] leaves which do not contain cocaine.

SEC. 9. That no retail druggist or dealer shall have on hand at one time a stock greater than 5 ounces of cocaine or of tropa-cocaine, hollo-cocaine, novococaine, alpha-eucaine, beta-eucaine, and if the stock on hand of any one of said substances shall be as much as 5 ounces none of the other substances shall be kept on hand at the same time. Said drugs shall not be sold in the flake or crystal form, but in solution only, which said solution shall not be stronger than 5 per cent.

Provided, That a physician may buy and have on hand for professional use, in local anesthesia only, an amount of any one of said drugs not exceeding 1 dram.

SEC. 10. That any person violating any provisions of this act shall be guilty of a felony and on conviction thereof shall be punished by a fine of not less than \$100 nor more than \$2,000 and imprisoned in the penitentiary for not less than one nor more than five years. It shall be the duty of the circuit and criminal court judges in this State to give the provisions of this act in special charge to the grand jury, and the grand jury shall have and exercise inquisitorial power over any violation of this act, and no prosecutor shall be required for an indictment against a person for violating the provisions of this act.

SEC. 11. That all laws and parts of laws in conflict herewith shall be, and the same are hereby, repealed and that this act shall take effect from and after its passage, the public welfare requiring it: *Provided, however*, That nothing contained in this act shall be construed to impair, alter, amend, or repeal any of the provisions of chapter 297 of the acts of 1907 or any amendments thereto.

Workshops and Factories—Inspection of Sanitary Conditions—Ventilation—Removal of Dust and Gases—Air Space for Employees. Places of Amusement—Ventilation. Rooms, Apartments, or Tenements Where Manufacturing, Altering, etc., is Done—Lighting, Ventilation, and Air Space. (Ch. 110, Act Apr. 11, 1919.)

SEC. 5. That each deputy inspector of workshops and factories assigned to a district for the inspection of workshops and factories therein shall carefully inspect the sanitary conditions, systems of sewerage, situation, and condition of water-closets, systems of heating, lighting, and ventilating rooms where persons are employed at labor, and means of exit in case of fire or other disasters within, or connected with, such workshops and factories. * * * For the purpose of inspection or examination required of them by law, the chief inspector of workshops and factories, and each deputy inspector at reasonable hours may enter any workshop or factory in the State.

* * * * *

SEC. 9. That every factory, workshop, association, or other establishment in which five or more persons are employed shall be so ventilated while work is carried on therein that the air shall not become so exhausted as to become injurious to the health of the persons employed therein, and shall also be so

ventilated as to render harmless, as far as practicable, all gases, vapors, dust, or other impurities generated in the course of the manufacturing process or handicraft carried on therein.

SEC. 10. That every factory, workshop, association, or other establishment where a work or process is carried on by which dust, filaments, or injurious gases are produced or generated, that are liable to be inhaled by persons employed therein, the person, firm, or corporation by whose authority the said work or process is carried on shall cause to be provided and used in said workshop, factory[,] association, or establishment, exhaust fans, conveyors, receptacles, or blowers with pipes and hoods extending therefrom to each machine, contrivance or apparatus by which dust, filaments, or injurious gases are produced or generated; or provide other mechanical means to be maintained for the purpose of carrying off or receiving and collecting such dust, filament, devitalized air, or other impurities as may be detrimental to the health of those in, about, or in connection with such place as herein mentioned: *Provided*, That if natural ventilation sufficient to exclude the harmful elements above enumerated be provided, the requirement of this section shall have been complied with by such firm, corporation, association, or other establishment as herein mentioned. Said fans, blowers, pipes, and hoods shall be properly fitted and adjusted and of power and dimensions sufficient to effectually prevent the dust, filaments, or injurious gases produced, or generated by said machines, contrivances, or apparatus [sic] from escaping into the atmosphere of the room or rooms of said factory, workshop, or other establishment where persons are employed.

SEC. 11. That not less than 250 cubic feet of air space shall be provided for each employee or operative at work in a room or place within the meaning of this act between the hours of 6 o'clock in the morning and the hours of 6 o'clock in the evening, and not less than 400 cubic feet of air space for each person so employed between the hours of 6 o'clock in the evening and 6 o'clock in the morning.

SEC. 12. That in places of amusement wherein five or more employees are engaged in duties that appertain thereto, the owners, managers, proprietors, or other persons in charge, shall provide that such places shall be well ventilated and that adequate and sufficient fire protection shall be maintained and that all exit doors of such amusement places shall be opened outward, wherein in addition to the said 5 employees 50 or more patrons might be congregated.

SEC. 13. That no person shall hire, employ, or contract with another to manufacture, alter, repair, or finish any article in any room, apartment, or tenement unless said room, apartment, or tenement shall be well lighted and ventilated and shall contain at least 500 cubic feet of air space for every person working therein: *Provided*, That where children under the age of 16 years live in such room, apartment, or tenement they shall not engage in any work above specified without first obtaining a permit so to do from the bureau of workshop and factory inspection.

TEXAS.

State Home for Lepers—Law Providing for, Repealed. (Ch. 142, Act Mar. 24, 1919.)

SECTION 1. That chapter 24, general laws of the first called session of the thirty-fifth legislature, approved May 19, 1917, which chapter provides for the isolation, care, and treatment of persons suffering with leprosy, and authorizing the purchase of a site and the erection of buildings, and the establishment of a State home for lepers, and making an appropriation therefor be, and the same is hereby, repealed.

Lepers—Appropriation for Isolation and Care of. (Ch. 143, Act Mar. 24, 1919.)

SECTION 1. Chapter 24, general laws, first called session of the thirty-fifth legislature, provided for the establishment of a State home for lepers and made an appropriation therefor in the sum of \$25,000, and there being an unexpended balance of \$24,300.85, the said sum now unexpended and remaining in the treasury for the purpose of establishing such home for lepers be, and the same is hereby, appropriated and made available for the isolation and care of persons in the State now known to be afflicted with leprosy, and who may be found to be afflicted with this disease, such sum to be expended by and under the direction of the State health officer.

State Quarantine Property—Sale to United States Government Authorized. (Ch. 34, Act Mar. 6, 1919.)

SECTION 1. That a commission composed of the Governor of the State of Texas, the attorney general of Texas and the State health officer of this State, is hereby created for the purpose of negotiating the sale and delivery to the United States Government of all State property owned and used by the State of Texas for quarantine purposes along the Gulf of Mexico and on the Mexican border of the Rio Grande River, upon such terms as are most advantageous to the State of Texas.

SEC. 2. Said commission is hereby vested with power and given complete authority to sell to the proper authorities of the United States all property owned by the State of Texas and actually used in quarantine service of the State, including lands, quarantine stations, wharves, boats, residence houses, and all appurtenances, equipment, and apparatus necessary for the proper exercise of the quarantine service or used in such service.

SEC. 3. The said commission shall, as soon as this act becomes effective, proceed to negotiate terms of sale and delivery of said property to the proper authorities of the United States, and when said terms and conditions of sale have been agreed upon by the commission and the representatives of the United States Government, the Governor of the State of Texas is hereby authorized to execute deeds and convey said quarantine property to the proper authorities of the United States Government, upon the receipt of the amount of money

agreed upon, or upon proper guaranty that the said amount of money will be paid to the State of Texas within a given time.

SEC. 4. In case of the inability of any member of this commission to act at the proper time in the negotiation and sale of this property he is hereby authorized and empowered to appoint a representative to act in his place, and all expenses incurred by any member, or members, of this commission, or their representatives shall be paid out of the expense fund of their respective departments.

SEC. 5. Upon the execution and delivery of the deed conveying any of said quarantine properties to the United States, the officers and employees of the State, in charge of such property and employed by the State in the quarantine service, in which such property is used, shall surrender such property to the proper representatives of the United States, and the positions and employment of such officers and employees under the State shall thereupon terminate.

SEC. 6. All money paid for said properties shall be paid into the State treasury immediately upon receipt and shall be credited to the general revenue, and at the time such money is paid into the State treasury the commission shall file in the office of the comptroller of public accounts a statement showing the amount of money so paid and for what the same was received, and upon the complete performance of the duties imposed upon the commission by this act, the commission shall file in the office of the comptroller a full statement of all sales made and of all amounts received in payment for the property sold.

Tuberculosis in Cattle—Eradication—Appraisal and Slaughter of Infected Animals—Payments to Owners. (Ch. 148, Act Mar. 31, 1919.)

SECTION 1. It shall be the duty of the live stock sanitary commission to cooperate with the Bureau of Animal Industry, United States Department of Agriculture, for the eradication of tuberculosis among cattle within the State of Texas, and the said live stock sanitary commission is hereby authorized to pay to the owner or owners of cattle reacting to tuberculin test administered by veterinarians employed by the live stock sanitary commission or by the United States Bureau of Animal Industry as hereinafter provided. The owner shall sell as directed by the live stock sanitary commission such reactors for immediate slaughter at any public slaughtering establishment where Federal post-mortem inspection is maintained. After such sale the live stock sanitary commission is authorized to pay such owners out of such funds as may be appropriated by the legislature for that purpose an amount not to exceed one-third of the difference between the appraised value of such reactors and the amount received by the owner as salvage in the sale of such reactors. In no case shall any payment be made for more than \$25 for any grade animal or more than \$50 for any pure-bred animal, nor shall any payment be made under the provisions of this act unless and until the owner of such reactors has complied with the regulations and orders of the live stock sanitary commission; nor shall any amount be paid in the indemnification of such reactors in excess of the amount paid by the United States Bureau of Animal Industry on the same reactors.

SEC. 2. The value of cattle that have reacted to the tuberculin test shall be determined in the following manner: The live stock sanitary commission or the chairman thereof or other representative of the live stock sanitary commission authorized to act for such commission shall select one appraiser, who, together with an appraiser appointed by representative of the United States Bureau of Animal Industry, shall go to the premises on which such reactors

are located and appraise the value of such reactors. In case they are unable to agree a third appraiser agreed to by them and the owner of such reactors shall be designated. In case of such inability on the part of the first two appraisers to agree on the value of such reactors, necessitating a third appraiser as hereinbefore provided for, the value of such reactors shall be determined by the agreement of two of such appraisers as to such value. The appraisers hereinbefore provided shall render to the live stock sanitary commission immediately after such appraisement a written report as to the agreed value of such reactors.

Public Water Supplies in Municipalities of 5,000 or Less—Tests—Prevention of Pollution. (Ch. 133, Act Mar. 24, 1919.)

SECTION 1. That hereafter the authorities of all cities and towns and villages having a population of 5,000 inhabitants or less in this State, and all other companies, persons, corporations, or receivers, who are supplying drinking water through a waterworks system to the public, shall, before supplying the same to the public use for drinking water, first cause the supply of water to be chemically tested for any contaminated infusion of sand, dirt, or filth, or dangerous bacteria or disease-bearing germs. This test to be made according to the direction of the county or city health officers, or both such health officers.

SEC. 2. That thereafter said water as above supplied shall be subject to such test at any time and the county and city health officers where such water supply is furnished shall make such tests at least once a year and oftener where there is an outbreak of any disease that might be induced through use of impure or unclean water.

SEC. 3. And it shall be the duty of all authorities of any city or town of 5,000 inhabitants or less, or persons, firms, or the officers and agents of all incorporated companies, or receivers supplying water for such public use, in cities or towns of 5,000 inhabitants or less, to provide proper strainers for all wells and all other sources of supply so that sand and dirt shall not be carried into the water for such public use, and to cause all of the conduits and drain pipes conveying said water to be thoroughly washed out and flushed so as to clean the same at least one time every 90 days.

SEC. 4. It shall also be the duty of any such authorities, persons, firms, or receivers, or their agents, when any such drinking water as furnished is pronounced unfit or infectious or impregnated with sand or dirt or filth or unclean and dangerous to the public use by the health officers of any such city or county, as the case may be, to immediately take steps to purify, clean, or sanitize the same.

SEC. 5. In all cases where the authorities of any city or town or village, or any person or firm or corporation or company, their officers and their receivers, or agents furnishing drinking water to cities or towns of 5,000 inhabitants or less shall fail or refuse to carry out the provisions of this act, and shall furnish for public use drinking water that is contaminated, impure, and unclean shall be guilty of a misdemeanor and shall be punished on conviction thereof by a fine in any sum not to exceed \$500 for any such offense, and upon any conviction of a second offense its contract, franchise, or charter shall be subject to forfeiture by proceedings to that effect in an injunction proceeding brought by the State authorities or the district or county attorney, which shall be heard and disposed of without undue delay as other injunction suits.

Habit-Forming Drugs—Sale and Dispensing. Drugs, Medicines, or Devices for the Cure of Diseases—Labeling. (Ch. 150, Act Mar. 31, 1919, as Amended by Ch. 61, Act July 28, 1919.)

SECTION 1. That it shall be unlawful for any person, firm, or corporation to sell, furnish, or give away cocaine, derivations of cocaine, preparations containing cocaine or derivatives of cocaine; morphine, derivatives of morphine, preparations containing morphine or derivatives of morphine; opium, preparations containing opium; chloral-hydrate or preparations containing chloral hydrate; canabis indica, canabis sativa, or preparations thereof, or any drug or preparation from any canabis variety, or any preparation known and sold under the Spanish name of "marihuana," except upon the original written order or prescription of a lawfully authorized practitioner of medicine, dentistry, or veterinary medicine, which order or prescription shall be dated and shall contain the name of the person for whom prescribed, or if ordered by a practitioner of veterinary medicine shall state the kind of animal for which ordered, and shall be signed by the person giving the prescription or order. Such written order or prescription shall be permanently retained on file by the person, firm, or corporation who shall compound or dispense the article ordered or prescribed, and it shall not be compounded or dispensed a second time except upon the written order of the original prescriber for each and every subsequent compounding or dispensing. No copy or duplicate of such written order or prescription shall be made or delivered to any person, but the original shall at all times be open to inspection by properly authorized officers of the law: *Provided, however,* That the above provisions shall not apply to preparations containing not more than 2 grains of opium or more than one-eighth grain of morphine or not more than 2 grains of chloral hydrate or not more than one-sixteenth grain of cocaine in 1 fluid ounce, or if a solid preparation in 1 avoirdupois ounce, nor to preparations containing not more than 1 grain per ounce of solid extract of canabis indica, canabis sativa, or preparations thereof or any drug or preparation from any canabis variety; nor to corn cures containing canabis indica or preparations of the canabis variety: *And provided further,* That the above provisions shall not apply to sales by wholesale jobbers, wholesalers, and manufacturers to retail druggist[s], nor to sales at retail by retail druggists to regular practitioners of medicine, dentistry, or veterinary medicine, nor to sales made to manufacturers of proprietary or pharmaceutical preparations for use in the manufacture of such preparations; nor to sales to hospitals, colleges, scientific, or public institutions.

SEC. 2. It shall be unlawful for any practitioner of medicine, dentistry, or veterinary medicine to furnish to or to prescribe for the use of any habitual user of the same any cocaine or morphine, or any derivative or compound of cocaine or morphine, or any preparation containing cocaine or morphine or their derivatives, or any opium or chloral hydrate, or any preparation containing opium or chloral hydrate, canabis, or any preparation thereof, for the use of any person not under his treatment in the regular practice of his profession, or for any practitioner of veterinary medicine to prescribe any of the foregoing substances for the use of any human being.

SEC. 3. It shall be unlawful to manufacture for sale, offer, or expose for sale, sell, or exchange any drugs, medicine, or device advocated for the cure of diseases if the package or label or any representation pertaining to same shall bear or contain any statement, design, or device regarding the curative or therapeutic effect of such article, or any of the ingredients or substances contained therein, which is misleading, false, and fraudulent.

SEC. 4. Every pharmacy, store, drug store, factory, salesroom [or], laboratory that fills prescriptions of drugs named in sections 1 and 2 of this act shall keep a file of such prescriptions, which may be inspected by the dairy and food commissioner, his deputy, or agent.

SEC. 5. The dairy and food commissioner or his inspectors, or any person by him duly appointed for that purpose, shall make complaint and cause proceedings to be commenced against any person for the violation of any provision of this act, and in such case he shall not be obliged to furnish security for costs; and he shall have in the performance of his duties all rights and privileges of a peace officer, with power to enter into any factory, store, salesroom, drug store, or laboratory, or place where he has reason to believe drugs are made, prepared, sold, or offered for sale or exchange, and to examine the files and books of such places, store, drug store, pharmacy, and salesroom.

SEC. 6. Any person who shall willfully hinder or obstruct the dairy and food commissioner or his inspectors, or other persons by him duly authorized in the exercise of the power conferred upon him by this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$25 nor more than \$200.

SEC. 7. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than \$25 nor more than \$200, or be imprisoned in the county jail for not less than one month nor more than one year, or punished both by such fine and imprisonment, in the discretion of the court.

House to House Canvass to Obtain Health Data—Appropriation to State Board of Health for. (Ch. 118, Act Mar. 24, 1919.)

SECTION 1. That the sum of \$12,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of the public treasury of the State of Texas, not otherwise appropriated, for the use and benefit of the State board of health of the State of Texas, to be expended under the direction of the State health officer of this State, said sum of money to be expended to defray all expenses in connection with the making of a house-to-house canvass of one or more counties in this State in obtaining exact and scientific data as to the health conditions thereof, such information so gathered by said State board of health to be used for the purposes of forming basis of present and past health conditions and to serve as an index for carrying out a state-wide campaign in the interest of preventable diseases.

UTAH.

Communicable Diseases—Reports of Cases. (Ch. 51, Act Mar. 13, 1919.)

SECTION 1. *Section amended.*—That section 2746, Compiled Laws of Utah, 1917, be, and the same is hereby, amended to read as follows: •

2746. *Duties of physician; diseases.*—It shall be the duty of every physician or other person caring for the sick in the State of Utah to make a report to the local board of health immediately after such person becomes aware of the existence of any case of scarlet fever, diphtheria, membranous croup, whooping cough, smallpox, typhoid fever, measles, tuberculosis, Asiatic cholera, rubella (rotheln) chicken pox, typhus fever, plague, cerebrospinal meningitis, infantile paralysis, leprosy, trachoma, Rocky Mountain spotted fever, pneumonia, influenza, or any other disease deemed by the State board of health to be contagious or communicable in his or her charge, and it shall be the duty of every person, owner, agent, manager, principal, or superintendent of any public or private institution, or dispensary, hotel, boarding house, or lodging house to make a report in like manner of any inmate, occupant, or boarder suffering from any of the said infectious or contagious diseases; and in case such physician or other person fail to report in 24 hours, said person shall be deemed guilty of a misdemeanor.

Venereal Diseases—Reports of Cases—Unlawful for Infected Persons to Expose Others to Infection—Information and Advice to be Given Patients—Examination of Persons Suspected of Being Infected—Treatment—Isolation—Quarantine—Repression of Prostitution—Examination, Treatment, and Quarantine of Prisoners—State Board of Health to Make Regulations—Literature for Free Distribution to be Prepared by State Board of Health—Laboratory Tests by State Board of Health—Appropriation. (Ch. 52, Act Mar. 20, 1919.)

SECTION 1. That syphilis, gonorrhea, and chancroid, hereinafter designated as venereal diseases, are hereby declared to be contagious, infectious, communicable, and dangerous to the public health. It shall be unlawful for anyone infected with these diseases or any one of them to expose another person to infection.

SEC. 2. Any physician or other person who makes a diagnosis in or treats a case of venereal disease, and any superintendent or manager of a hospital, dispensary, or charitable or penal institution in which there is a case of venereal disease, shall make a report of such case to the health authorities according to such form and manner as the State board of health shall direct.

SEC. 3. Every physician treating venereally infected individuals shall fully inform such persons of the danger of transmitting the disease to others, and he shall advise against marriage by the person who has such disease in a communicable form.

SEC. 4. State, county, and municipal health officers or their authorized deputies, within their respective jurisdictions are hereby directed and empowered, when in their judgment it is necessary to protect the public health,

to make examinations of persons reasonably suspected of being infected with venereal disease and to detain such person until the results of such examinations are known, to require persons infected with venereal disease to report for treatment to a reputable physician and continue treatment until cured or to submit to treatment provided at public expense until cured, and also, when in their judgment it is necessary to protect the public health, to isolate or quarantine persons infected with venereal disease. It shall be the duty of all local and State health officers to investigate sources of infection of venereal disease, to cooperate with the proper officials whose duty it is to enforce laws directed against prostitution and otherwise to use every proper means for the repression of prostitution.

SEC. 5. All persons who shall be confined or imprisoned in any State, county, or city prison in the State shall be examined for and, if infected, treated for venereal diseases by the health authorities or their deputies. The prison authorities of any State, county, or city prison are directed to make available to the health authorities such portion of any State, county, or city prison as may be necessary for a clinic or hospital wherein all persons who may be confined or imprisoned in any such prison and who are infected with venereal disease, and all such persons who are suffering with venereal disease at the time of the expiration of their terms of imprisonment, and, in case no other suitable place for isolation or quarantine is available, such other persons as may be isolated or quarantined under the provisions of section 4 shall be isolated and treated at public expense until cured, or in lieu of such isolation any of such persons may, in the discretion of the board of health, be required to report for treatment to a licensed physician, or submit to treatment provided at public expense, as provided in section 4. Nothing herein contained shall be construed to interfere with the service of any sentence imposed by a court as a punishment for the commission of crime.

SEC. 6. The State board of health is hereby empowered and directed to make such rules and regulations as shall, in its judgment be necessary for the carrying out of the provisions of this act, including rules and regulations providing for the control and treatment of persons isolated or quarantined under the provisions of section 4, and such other rules and regulations, not in conflict with the provisions of this act, concerning the control of venereal diseases, and concerning the care, treatment, and quarantine of persons infected therewith, as it may from time to time deem advisable. All such rules and regulations so made shall be of force and binding upon all county and municipal health officers and other persons affected by this act, and shall have the force and effect of law.

SEC. 7. The State board of health shall prepare for free distribution among the citizens of the State printed information and instruction concerning the dangers from venereal diseases, their prevention, and the necessity for treatment.

SEC. 8. The State board of health shall make microscopical examination for the diagnosis of gonorrhea for any licensed physician in the State without charge. The State board of health shall also make the necessary examinations of blood or secretions for the diagnosis of syphilis for any licensed physician in the State without charge.

SEC. 9. Any person who shall violate any of the provisions of this act or any lawful rule or regulation made by the State board of health pursuant to the authority herein granted, or who shall fail or refuse to obey any lawful order issued by any State, county, or municipal health officer pursuant to the authority granted in this act, shall be deemed guilty of a misdemeanor and shall be punished as provided by law.

SEC. 10. There is hereby appropriated out of the funds of the State not otherwise appropriated the sum of \$8,000, the same being in excess of the appropriation made by the United States Government under the Chamberlain-Kahn Act for use in this State to cover the expense of enforcing this act during the years 1919 and 1920.

SEC. 11. Sections 2752 and 2753 of the Compiled Laws of Utah, 1917, and all acts and parts of acts in conflict herewith are hereby repealed.

Venereal Diseases—Reports of Cases—Instruction and Literature to be Given Patients—Duties of Local Health Officers—Examination of Persons Suspected of Being Infected—Isolation—Quarantine—Repression of Prostitution—Issuance of Certificates of Freedom from Venereal Diseases—Records Not Open to Public Inspection—Examination and Quarantine of Persons in Penal or Charitable Institutions—Infected Persons Forbidden to Attend or Teach School—Prohibited Occupations—Advertising of Remedies Unlawful—Unlawful for Infected Persons to Expose Others to Infection. (Reg. Bd. of H., 1919.)

1. It shall be the duty of the physician in attendance on a person having syphilis, or gonococcus, or chancroidal infection, or suspected of having syphilis, or gonococcus, or chancroidal infection, to report same immediately to the State board of health on forms furnished by the board (reports to be made by number, except as hereinafter provided) and to instruct him in precautionary measures for preventing the spread of the disease, the seriousness of the disease, and the necessity for prolonged treatment; and the physician shall, in addition, give such person section 1 venereal-disease report blank, bearing same serial number as report, and such additional literature as may be furnished by the State board of health on these subjects. If any person having syphilis, gonococcus, or chancroidal infection refuses to receive proper treatment, or fails to observe reasonable precautionary measures to prevent its spread, or refuses to comply with the instructions of the attending physician, or has discontinued treatment before recovering from such disease, it shall be the duty of the physician consulted to report the name and address of the person to the State board of health.

2. It shall be the duty of all city, county, and other local health officers, when notified of the existence of venereal disease, to immediately investigate all reported or suspected cases of syphilis in infectious stages and gonococcus infection within their several territorial jurisdictions and ascertain the sources of such infection.

In such investigations said health officers are hereby vested with full power of inspection, examination, isolation, and disinfection of all persons, places, and things, and as such inspectors said local health officers are hereby directed:

(a) To make examinations of persons reasonably suspected of having syphilis in infectious stages, or gonococcus infection. (Owing to the prevalence of such disease among prostitutes, all such persons may be considered within the above class.)

(b) To isolate such persons whenever in the opinion of said local health officer, the State board of health, or its secretary, or his deputy, isolation is necessary to protect the public health. In establishing isolation the State health officer or his deputy shall define the limits of the area in which the person reasonably suspected or known to have syphilis or gonococcus infection, and his immediate attendant are to be isolated, and no persons other than

the attending physicians shall enter or leave the area of isolation without the permission of the health officer or his deputy.

(c) In making examinations and inspections of women for the purpose of ascertaining the existence of syphilis, or gonococcus infection, to appoint women physicians for said purposes where the services of a woman physician are requested or demanded by the person examined.

(d) In cases of quarantine or isolation, not to terminate said quarantine or isolation until the cases have become noninfectious or until permission has been given by the State board of health, or its secretary, or his deputy.

Cases of gonococcus infection are to be regarded as infectious until at least four successive smears taken not less than 48 hours apart fail to show gonococci.

Cases of syphilis shall be regarded as infectious until all lesions of the skin or mucous membranes are completely healed.

(e) Inasmuch as prostitution is the most prolific source of syphilis and gonococcus infection, all health officers are directed to use every proper means of repressing the same, and not to issue certificates of freedom from venereal disease, as such certificates may be used for purposes of solicitation.

(f) To keep all records pertaining to said inspections and examinations in files not open to public inspection, and to make every reasonable effort to keep secret the identity of those affected by venereal disease control measures as far as may be consistent with the protection of the public health.

3. When a person applies to a physician, clinic, or hospital for treatment of venereal disease it shall be the duty of the physician or person consulted to inquire of and ascertain from the person seeking treatment whether such person has heretofore consulted with or been treated by any other physician or person, and if so, to ascertain the name and address of the physician or person last consulted. It shall be the duty of the applicant for treatment to furnish this information, and refusal to do so or falsely stating the name and address of such physician or person consulted shall be deemed a violation of this regulation. It shall be the duty of the physician or person whom the applicant seeks to consult, and does consult or employ, to notify immediately the physician or person last consulted of the change of advisors, and such notification to be made upon a form furnished for that purpose by the State board of health. Should the physician or person previously consulted fail to receive such notice within seven days after the last appearance of such venereally diseased patient, it shall be the duty of such physician or person to report to the State board of health the name and address of such venereally diseased patient.

4. Any person committed to or confined in, either temporarily or for a definite period of time, any jail, house of correction, or other penal or correctional institution, detention hospital, or any State, county, or city charitable institution shall, at the time of admission thereto, be given a thorough medical examination to determine the existence of any venereal disease, and if such person shall be found to be infected with any venereal disease, such person shall be promptly removed to quarters where proper treatment and control can be had, and there held in quarantine until such time as it may be definitely ascertained that quarantine may be terminated without endangering the health of other inmates or the health of the public.

5. Any person suffering from any venereal disease such as chancroid, gonorrhea, or syphilis in the infective stage is forbidden to attend, or teach in any public or parochial school, university, college, or seminary, and local health officers are hereby authorized and directed to put into effect such measures of isolation, segregation, and quarantine for the infective period of such cases, as are required for the public health and safety.

6. No person infected with any venereal disease such as chancroid, gonorrhea, or syphilis, in the active stage, shall be permitted to engage in any occupation in connection with a dairy; or with the handling of milk, cream, ice cream, or other food products; or to serve as cook, waiter, or otherwise in any hotel, restaurant, or boarding house, soda fountain, candy store, ice cream parlor or factory; or in any hospital, sanitarium, factory, or other institution where in the performance of his duties he either handles or comes in contact with food or drink for others.

7. It shall be unlawful for any person to advertise by posting, writing, printing, displaying, or giving in any manner, publicity to the sale in papers, magazines, periodicals, public places, show windows, or in toilets, privies, or places used for urinals, or in any other place or manner, [of] any remedy or device for the supposed cure or alleviation of either or of all venereal diseases.

8. It shall be unlawful for any person to inoculate any other person with any of the said venereal diseases, and it shall be unlawful for any person to perform or commit any act which exposes any other person to inoculation of or infection with any of the said diseases.

9. The parents or guardians of minors acquiring venereal diseases and living with said parents or guardians shall, when notified, be legally responsible for the compliance of such minors with the requirements of these regulations.

10. Physicians, health officers, and all other persons are prohibited from issuing certificates of freedom from venereal diseases: *Provided*, This rule shall not prevent the issuance of necessary statements of freedom from infectious diseases written in such form or given under such safeguards that their use in solicitation for sexual intercourse would be impossible.

11. The control of venereal disease cases shall rest with the State health officer, or his deputy, in cooperation with the attending physician, and shall continue in all cases throughout the period of infectiousness of the disease. A case of gonococcus infection is to be regarded as infectious until at least four successive smears, taken not less than 48 hours apart, fail to show gonococci, said examination to be made by a bacteriologist approved by the State board of health. A case of syphilis shall be regarded as infectious until all lesions of the skin and mucous membranes are healed. A case of chancroid shall be regarded as infectious until all lesions are healed.

Venereal Diseases—Medicine to be Sold Only on Physician's Prescription. (Ch. 53, Act Mar. 13, 1919.)

SECTION 1. *Prohibition as to sale of remedies.*—It shall be unlawful for any person, firm, or corporation to sell, offer for sale, prescribe, or recommend to any person the use of any preparation, proprietary medicine, compound, or drug to be used in the treatment of syphilis, gonorrhea, or chancroid: *Provided*, That the provisions of this act shall not apply to the compounding of a prescription written by a physician duly licensed to practice medicine under the laws of the State of Utah.

SEC. 2. *Evidence in case of prosecutions.*—In any prosecutions brought for violations of the provisions of this act it shall be conclusive evidence that the drug, preparation, or medicine is intended for use in the treatment of syphilis, gonorrhea, or chancroid, if any written or printed matter on any package or wrapper of any of said preparations represents that the said preparation is useful or has curative properties in the treatment of syphilis, gonorrhea, or chancroid.

SEC. 3. *Violation a misdemeanor.*—Any person convicted of violating the provisions of this act shall be deemed guilty of a misdemeanor and shall be punished as provided by law.

Venereal Diseases and Other Sexual Ailments—Advertisements Relating to, Prohibited. (Ch. 54, Act Mar. 13, 1919.)

SECTION 1. Publications prohibited; penalty and exceptions.—Whoever publishes, delivers, or distributes, or causes to be published, delivered, or distributed in any manner whatever an advertisement concerning a venereal disease, lost manhood, lost vitality, impotency, sexual weakness, seminal emissions, varicocele, self-abuse, or excessive sexual indulgence, and calling attention to a medicine, article, or preparation that may be used therefor, or to a person or persons from whom or an office or place at which information, treatment, or advice relating to such disease, infirmity, habit, or condition may be obtained, is guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment for not more than six months or by a fine of not less than \$50 nor more than \$300, or by both such fine and imprisonment. This section, however, shall not apply to didactic or scientific treatises which do not advertise or call attention to any person or persons from whom or any office or place at which information, treatment, or advice may be obtained, nor shall it apply to advertisements or notices issued by a municipal board or department of health or by the department of health of the State of Utah.

Free Dispensaries and Clinics for Medical, Surgical, and Dental Service—Appropriation for State Aid to. (Ch. 49, Act Mar. 20, 1919.)

SECTION 1. Establishment; service; appropriation.—That there is hereby appropriated the sum of \$10,000, to be paid out of the general fund during the ensuing biennium. Such appropriation shall be expended by the State board of health, with the approval of the State board of examiners, as State aid to State, county, or city dispensaries and clinics conducted under the direction of medical societies recognized by the State board of health, and in conformity with standards prescribed by said board. The dispensaries and clinics participating in this appropriation shall provide medical, surgical, or other curative means and dental service free, which service is to be provided through voluntary professional service by practitioners recognized or that may be recognized under the laws of the State of Utah.

Local Boards of Health and Health Officers—Powers and Duties. (Ch. 50, Act Mar. 13, 1919.)

SECTION 1. Powers of boards.—Every local board of health, whether county or municipal, shall supervise all matters pertaining to the sanitary condition of its county, town, or city, and shall have power and authority to order nuisances or the cause of any special disease or mortality to be abated or removed.

Sec. 2. Rules and regulations; violation.—Such boards of health shall have the power to make rules and regulations not contrary to law or not in conflict with rules and regulations of the State board of health as may be deemed necessary for the preservation of public health, and the enforcement of the quarantine laws against any or all persons afflicted with or that have been exposed to any contagious or infectious diseases within their respective jurisdictions; and it shall be unlawful for any person or persons to violate any such rule or regulation so made by such board of health, and the violation of any such rule or regulation shall be deemed a misdemeanor.

Sec. 3. Discovery; quarantine; disinfection; health officer.—It shall be the duty of the local boards of health and health officers to use diligence in the discovery of contagious and infectious diseases, to maintain strict quarantine, and

to cause all infected persons and premises to be disinfected in accordance with the rules of the State board of health. Said disinfection shall be performed without charge by the local health officer, or a competent agent, for whose actions the health officer shall be responsible in every way as though performed by himself. If any local health officer shall fail or refuse to properly keep records, make reports, enforce quarantine, disinfect infected persons or premises, or to perform any of the duties provided by law, he shall be deemed guilty of a misdemeanor, and upon a complaint made by the State board of health, it shall be the duty of the city council, town board, or board of county commissioners by whom he was appointed to give the said local health officer a hearing, and if the charges are sustained they shall immediately remove him and appoint his successor. The term "local health officer," used in this chapter, shall apply to town, city, and county health officers.

State Director of Health Education—Appointment, Powers, and Duties. Supervisors of Health Education and School Nurses—Professional Requirements. School Teachers—Health Education Required of. Physical Welfare of Children of Pre-School Age—Promotion of. (Ch. 85, Act Mar. 12, 1919.)

SECTION 1. Appointment of director; duties; salary.—That the State board of education is authorized to appoint a State director of health education and to fix his salary and determine his qualifications. Under the State board of education, the director of health education shall exercise general supervisory control of health education in the public schools of the State consisting of hygiene, sanitation, physical education, and recreation. He shall advise with local boards of education in regard to organization and effective means of preserving and promoting the health and physical welfare of school children and of children of preschool age as provided for in this act. The salary and necessary traveling expenses of such officer shall be paid out of the State school fund upon approval of such salary and expenses by the State board of examiners.

SEC. 2. Supervisors; courses required; time.—The State board of education shall determine the professional requirements of supervisors of health education and school nurses. Health education consisting of sanitation and personal and school hygiene shall be required of all teachers in the public schools of the State: *Provided*, That teachers now in the service shall have three years from date of approval of this act, in which to comply with the provisions of same.

SEC. 3. Preschool age; measures for education; consent; providing plans.—The boards of education of all school districts of the State are authorized to adopt such reasonable measures for health education and to incur such reasonable expense as may be necessary for the promotion of the physical welfare of children of preschool age in their respective districts, including the education of parents in matters pertaining to child welfare. The power herein granted to local boards of education shall only be exercised with the consent of the parent.

A committee consisting of the State director of health education, the dean of the State school of education, the dean of the department of medicine of the University of Utah, the secretary of the State board of health, and the director of the department of home economics of the agricultural college, shall provide and recommend plans for carrying into effect the provisions of this section. Such plans shall be approved by the State board of education.

Maternity Hospitals—Establishment, Maintenance, and Inspection—Records and Reports by. Homes for Infants. (Ch. 48, Act Mar. 5, 1919.)

SECTION 1. Definitions; permits; locations; exceptions.—It shall be unlawful to erect, establish, maintain, conduct, keep, or carry on or continue to keep or carry on in this State, any lying-in or maternity hospital, or any institution or place for the reception, care, and treatment of women in labor, or where females may be received, cared for, and treated during pregnancy or after delivery, without having first obtained a permit in writing as hereinafter required, but in no event shall the State board of health issue a permit authorizing such an institution to be erected, established, or maintained within 250 feet of any church building, university, school, or other institution of learning, or a public park, or within 50 feet from the premises owned by another; and it shall be unlawful for the owner, manager, superintendent, or the person or persons in charge of such an institution, or any person representing them, to adopt or procure or assist in procuring the adoption or disposal of any child born at such lying-in or maternity hospital as herein defined, or the premises appertaining thereto, except as hereinafter expressly provided in this act.

Any person who receives for care and treatment, during pregnancy or during delivery, or within 10 days after delivery, more than one woman within a period of six months, except women related to him by blood or marriage, shall be deemed to maintain a maternity hospital. Any person who receives for care and treatment, or has in his custody at any one time, three or more infants under the age of 3 years, unattended by a parent or guardian, for the purpose of providing them with food, care, and lodging, except infants related to him by blood or marriage, shall be deemed to maintain an infants' home. The word "person," when used in this act, shall include individuals, partnerships, voluntary associations, and corporations: *Provided, however,* That this act shall not be construed to relate or refer to any person who has received for care alone children from not more than one family during any period of three months. Whoever receives and cares for both women and infants, as above defined, shall be deemed to maintain a maternity hospital and infants' home and shall be subject to all provisions of this act.

The provisions of this act shall not apply to general hospitals for the treatment of diseases, obstetrics, and surgical cases, except as to the adoption or the placing of children.

SEC. 2. Authority of State board of health; permits; limitations.—The State board of health is hereby authorized to grant a permit in writing to establish, maintain, conduct, keep, or carry on such lying-in or maternity hospital, or hospital ward, or institution, or place for the reception, care, and treatment of women in labor, for pay, or where females may be received, cared for or treated during pregnancy or during or after delivery, for pay, at any place within the State, except as prohibited in section 1 of this act; but only one such permit shall be issued for any one premises.

SEC. 3. Application; requisites; indorsements; fees.—Any person or persons who desire to obtain the permit provided in section 2 of this act shall file with the State board of health an application for said permit, naming each person to whom said permit is to be granted, and particularly describing the place or premises to be used for said purposes, and the location thereof; and shall also cause to be filed with said State board of health a statement signed by two regular physicians, holding a certificate in force, from the State board of medical examiners of this State, except in cities of the first and second class, when said certificates must be signed by five physicians to the effect that, to the personal knowledge of each of said physicians, said person, or each of said

persons, is of good character and reputation; that he has personally examined the premises described in the application for said permit, and that the same are suitable and properly furnished for the uses described in section 1 of this act, and that such hospital or ward or other institution or place will be for the public convenience.

Upon the filing of such application for a permit, together with said physician's certificate, the State board of health shall satisfy itself as to the correctness of the matters set forth in said application and physician's certificate, and shall cause said premises to be inspected, for which inspection a fee of \$5 shall be paid by the person or persons signing such application, and when so satisfied, and upon the payment of a fee of \$25 by the person or persons applying for said permit to the said State board of health, said State board of health shall issue its permit, particularly naming the person or persons to whom granted, the description and location of the premises to be used, and the purpose or purposes for which said permit is granted, which permit shall continue in force for one year from the date thereof, unless sooner revoked. Said permit may be renewed, from time to time, whenever said State board of health deems it proper so to do, and upon payment to said board of a fee of \$5 for each renewal thereof. Said permit shall not authorize the use of any other place or premises than the one named in said permit or in the renewal thereof: *Provided*, That no fee mentioned in this section shall be required of any religious or charitable institution conducting such lying-in or maternity hospital.

Sec. 4. Register; blanks; records; access limited.—The person or persons in charge of the place described in said permit shall keep a true, accurate, and complete register of all patients and of all births and deaths occurring upon said premises, giving date of entry of each patient, date of birth, and name of each child born on said premises, and the age of all children dying thereon, and the same particulars, as well as the name, so far as known, of any woman patient dying on said premises; and said person or persons in charge of the place described in said permit shall furnish to the officer authorized by law to receive them all of the particulars required by law to be furnished for the due registration of each birth or death occurring on said premises.

The State board of health shall furnish blanks to all permit holders specified in this act which shall be filled out and returned to the State board of health within 24 hours after the birth or death of any child, or death of any woman patient dying on the premises described in such permit, giving date of birth and sex of each child born on said premises and name and age of the mother, and if the true name of the mother can not be ascertained then the assumed name given by her, and the age and sex of all children dying on said premises. And the State board of health shall keep a record of same, which record shall be accessible to the members of the State board of health, members of boards of State institutions, the attorney general, and any county or district attorney in the State, and to no other person except on order of a court of record.

Sec. 5. Adoption of children; records of disposition.—The person or persons in charge of the premises described in such permit shall not adopt or dispose or place by adoption or procure or assist in the disposal by adoption of any child born thereon without the petition for adoption being filed as required by law. Within 24 hours after the departure, removal or withdrawal from said premises of any child born thereon, or of the body of any such child, the person or persons in charge thereof shall enter upon said register a record of such departure, removal or withdrawal and the name or other description of said child, the name or names and respective residences of the person or persons who took said child or its body, the disposition made of said child or its body, the place to which the same was taken and where the same was left.

SEC. 6. Inspection; authorized boards.—Every person in charge of the premises described in any such permit, their servants, employees or agents, shall permit visitation or inspection of said premises, and of the register in this act provided to be kept, to be made at any time, by the State board or local board of health or by any person designated in writing by the State or local board of health for that purpose. It shall be the duty of the local board of health or the juvenile court or child-welfare board of the city or town in which such premises are maintained to inspect such premises at least once in six months; and to file an accurate report of such inspection with the city, or town clerk or recorder of the city, or town, in which such premises are maintained, and that such report shall be preserved as a permanent record.

SEC. 7. Revocation of permits.—Said permit may be revoked after reasonable notice by the State board of health, and a conviction under the succeeding section of this act shall operate to terminate and revoke said permit.

SEC. 8. Penalties.—Any person violating any of the provisions of this act or making any false entry on the register required by this act to be kept, shall be guilty of a misdemeanor, and shall be punished by a fine of not more than \$250, or by confinement in the county jail not more than six months, or by both such fine and imprisonment. And the premises so unlawfully used are hereby declared to be a nuisance and the same shall be subject to the procedure provided in title 74, Compiled Laws of Utah, 1917, as far as applicable thereto.

State Board of Examiners of Barbers—Appointment—Approval of Appointment by State Board of Health. Barber Shops or Schools—Adoption of Sanitary Regulations Governing—Posting of Regulations in—Compliance with Regulations—Examination of Sanitary Conditions—Declared Public Nuisances When—Persons Infected with Communicable Diseases Not to be Served or Apply for Service in—Fumigation. Barbers—Licenses. (Ch. 3, Act Mar. 19, 1919.)

SEC. 360. Creation; membership; qualifications; succession.—A board of examiners, entitled, "Utah State Board of Examiners of Barbers," is hereby created to carry out the purposes and enforce the provisions of this act.

The members of said board shall be appointed by the governor, each for the term of four years, and shall consist of three persons, citizens of the United States and licensed barbers under this act, who have practiced barbering for at least five years and have resided in this State for at least one year. Vacancies in said board shall be filled by the governor for the unexpired portion of the term.

Each member of said board, before being appointed, shall appear before the State board of health, whose duty it shall be to determine whether or not such proposed member possesses sufficient knowledge of contagious and infectious diseases, and of barber shop sanitation to enable him to pass judiciously upon the qualifications of applicants for barber's license and to inspect barber shops. If said board of health shall reject an appointee, then the governor shall select another in his stead, as before. If the appointment be approved by said board of health, said board shall issue a certificate to that effect, and all appointments made under the provisions of this act shall date from the approval thereof by said board of health.

The members of the present board of examiners of barbers shall continue in office until their successors are appointed and qualify, and shall serve out the remainder of their terms as originally appointed, unless sooner removed by the governor.

SEC. 366. *Establish rules for shops and schools; penalties.*—Said board shall have power to adopt reasonable rules and regulations prescribing the sanitary requirements of a barber shop or school, subject to the approval of the State board of health, and to cause the rules and regulations so approved to be printed in a suitable form and to transmit a copy thereof to the proprietor or manager of each barber shop or school in this State.

It shall be the duty of every proprietor or manager conducting a barber shop or school in this State to keep posted in a conspicuous place in his shop or school, so as to be easily read by his patrons, a copy of such rules and regulations. A failure of any such proprietor or manager to keep such rules so posted, or to observe the requirements thereof, shall be sufficient grounds for the revocation of his license, after a hearing and subject to right of appeal, as provided in section 375 herein.

Any member of said board or deputy shall have power to enter and make examination of any barber shop or school in this State during business hours for the purpose of ascertaining the sanitary condition thereof. Any barber shop or school in this State in which tools, appliances, and furnishings in use therein are kept in an unclean or insanitary condition so as to endanger health is hereby declared to be a public nuisance, and the proprietor or manager thereof shall be subject to prosecution and punishment therefor.

SEC. 367. *Service; bill of health; fumigation; report diseases.*—No person practicing barbering in this State shall knowingly serve a person afflicted with any contagious or infectious disease, but it shall be his duty to report the case to a member of said board or local health officer.

No person so afflicted shall be served or apply for service in any barber shop or school in this State until he has first obtained a clean bill of health from a medical practitioner.

Any member of the board, or deputy, or health officer, shall have authority to fumigate, at the expense of the person in charge, any barber shop or school where any contagious or infectious disease has been contracted, or where a person having such disease has been barbered.

* * * * *

SEC. 370. *Requirements for license; fees; conditional privileges.*—Any person desiring to obtain a license under this act shall make application in writing, verified under oath, to said board, and shall pay to the secretary of said board an examination fee of \$5, and shall present himself at the next regular meeting of said board for the examination of applicants, whereupon said board shall proceed to examine said person and, being satisfied that he is above the age of 18 years, of good moral character, free from contagious or infectious disease (certified to by a legally qualified physician), that he has studied and practiced barbering for one year in this State as a registered apprentice under a licensed practicing barber, or has practiced barbering in another State for three years, and that he is possessed of requisite skill to properly perform all the duties thereof, including ability in the preparation of tools, hair cutting, shaving, and other duties and services incident thereto, and that he is possessed of sufficient knowledge of diseases of the face and skin to recognize them and refuse service, and that he has a thorough knowledge of the sanitary requirements of a barber shop or school in this State, said board shall thereupon issue him a license authorizing him to practice barbering in this State: *Provided*, That if the applicant fails to qualify in workmanship or sanitary knowledge, he may continue to practice as an apprentice under a licensed barber until some subsequent meeting of the board designated by the president thereof, when he shall again be examined upon payment of an additional fee of \$5.

Theaters and Other Public Houses of Amusement—Seating Space—Air Space—Width of Aisles—Ventilation—Temperature—Relative Humidity.
(Reg. Bd. of H., July 23, 1919.)

RULE 1. Every building now or hereafter used, in whole or in part, as a theater, picture show, or public house of amusement, which is thrown open to be used for profit (by rentals or admission charges) of their owners or proprietors as a place of assembling in the State of Utah, shall be provided by the owner of the building with proper floor area, air space, aisle width, and ventilation, as follows:

RULE 2. *Space per occupant.*—(a) A minimum of $4\frac{1}{2}$ square feet of floor area as a seating space per occupant, exclusive of aisles and public passageways, shall be provided, and the seats must be at least 33 inches back to back and 20 inches in width.

(b) A minimum of 90 cubic feet of air space per occupant shall be provided.

(c) Aisles shall have in the aggregate a width of not less than 20 inches for each 100 seating capacity, and for fractional parts of 100 a proportionate part of 20 inches shall be added. No aisle shall have a width of less than 30 inches.

RULE 3. *Air supply per occupant.*—A positive supply of outdoor air from uncontaminated sources shall be provided at all times while the show place is open to the public, and the quantity of the air supplied shall be at least 1,200 cubic feet of air per hour per occupant, supplied to the building in an approved manner, preferably through the floor, so the ventilation will be upward; the supply of air to be positive and independent of atmospheric changes, by mechanical apparatus.

RULE 4. *Air distribution.*—The distribution of the supplied outdoor air shall be so arranged as to maintain the temperature requirements without uncomfortable drafts or any temperature lower than 62° F., and as a test of proper supply and distribution, it shall be required that the CO_2 content in any part of the building shall not at any time exceed 10 parts in each 10,000 parts of air, based upon tests taken in a zone from 3 feet to 6 feet above the floor line in the occupied space.

RULE 5. The temperature in the building during the period of occupancy shall be maintained at all times throughout all occupied spaces within the range of 62° F. to 70° F., except when the outside temperature is sufficiently high that artificial heating within the building is not required.

RULE 6. *Machine booth ventilation.*—Inclosures or booths for the motion-picture machines shall be provided with exhaust ventilation having sufficient capacity to remove at all times not less than 160 cubic feet of air per minute per machine through a two-machine booth, and not less than 120 cubic feet of air per minute per machine through a three-machine booth.

Where picture machines, films, and their equipment are passed as fireproof by the National Board of Fire Underwriters, the department of health may, at its discretion, modify the booth requirements.

RULE 7. *Toilet and smoking room ventilation.*—Toilet and smoking rooms shall be provided with an independent source of ventilation, either natural or mechanical, but in either case ventilation must be positive and independent of atmospheric changes, sufficient to change the air in the rooms at least six times per hour.

RULE 8. *Relative humidity.*—The relative humidity within the occupied rooms should be maintained within a range of 25 per cent to 40 per cent. This can be obtained either by steam supplied to the entering air or by using some form of air washer in connection with the ventilating system. Air washers are strongly recommended, especially for cooling the air in summer weather.

VERMONT.

Venereal Diseases—Reports of Cases—Druggists to Keep Record of Sales of Certain Drugs—Appropriation. (Act 177, Mar. 7, 1919.)

SECTION 1. Section 6250 of the general laws is hereby amended so as to read as follows:

SEC. 6250. A physician or other person who knows or has reason to believe that a person whom he treats or prescribes for, or to whom he sells patent or proprietary medicine purporting to cure or alleviate the symptoms of gonorrhea, or syphilis, has one of these diseases shall immediately report the name, nationality, race, marital state, address, age, and sex of such person to the secretary of the State board of health on cards furnished for that purpose. Druggists, other than jobbers or wholesale druggists, or any other person, selling in compound or separately, other than on the prescription of a licensed physician, any preparation of copaiba, cubeb, sandalwood oil, methylené blue, hydrastis, formin, potassium permanganate, any one of the colloidal silver preparations, zinc, copper, alum, salts of mercury, other than calomel, iodide of soda, or iodide of potassium, or any of the arsenical compounds known under the common name of arsphenamine, shall enter the sale of such drug, or compound in a book kept for such purpose; said book to be furnished by the State board of health, which shall show the name and address of the person to whom such drug, or compound was sold, and the purpose for which it is to be used. This book shall at all times be open to inspection of the members of the State board of health, members of the State board of pharmacy or their authorized agents. Druggists, storekeepers, or any others dealing in drugs, when ordering any of the above-mentioned drugs from jobbers, wholesalers, or other purveyors, shall make in triplicate a list of such drugs and amount ordered, one copy of which shall be sent to the person or persons from whom such purchase is made, one copy to the State board of health, and one copy retained on file by the purchaser for a period of two years, such file to be at all times open for inspection by members of the State board of health, members of the State board of pharmacy, and their authorized agents.

The sum of \$3,000 of the moneys annually available for the purposes of said board shall be used to carry out the provisions of this and the first and fourth following sections. A person or firm who fails to comply with the provisions of this section shall be fined not more than \$200.

Venereal Diseases—Reports to be Confidential—Marriage or Sexual Intercourse by Infected Person Unlawful. (Act 179, Mar. 26, 1919.)

SECTION 1. Section 6253 of the general laws is hereby amended so as to read as follows:

SEC. 6253. All information and reports in connection with persons suffering from such diseases shall be regarded as absolutely confidential and shall not be accessible to the public nor shall such reports be deemed public records; and said board shall not disclose the names or addresses of persons so reported or treated except to a prosecuting officer or in court in connection with a prose-

cution under the third preceding section or under section 7036 or 7037: *Provided, however*, That the third report made under the provisions of section 6250 of the general laws shall be a public record and accessible to the public: *Provided, however*, That such third report is made at least one year later than the first report.

SEC. 2. Section 7035 of the general laws is hereby amended so as to read as follows:

SEC. 7035. A person, having been told by a physician that he or she was infected with gonorrhea or syphilis or knowing that he or she is so infected, who marries, without assurance and certification from a legally qualified practitioner of medicine and surgery that he or she is free from such a disease, shall be imprisoned not less than two years or fined not less than \$500.

SEC. 3. Section 7036 of the general laws is hereby amended so as to read as follows:

SEC. 7036. A person who, while infected with gonorrhea or syphilis, has sexual intercourse shall be imprisoned not less than two years or fined not less than \$500.

Venereal Diseases—Free Laboratory Examinations—Furnishing of Medicine to Clinical Patients—Distribution of Literature. (Act 178, Mar. 7, 1919.)

SECTION 1. Section 6252 of the general laws is hereby amended so as to read as follows:

SEC. 6252. Said board shall provide at the expense of the State, facilities for the free laboratory examination of material from suspected cases of gonorrhea and syphilis, and shall furnish the treatment known as arsphenamine or other accredited specific treatment at cost or free to such clinical patients as said board shall deem entitled to such aid. Such diagnosis and treatment shall not be furnished until the report required by either the second or third preceding section has been made. Said board shall include in bulletins or circulars distributed by it information concerning such diseases.

Prostitution, Lewdness, or Assignment—Persons Convicted of, Who Are Venereally Infected—Medical Treatment When Placed on Probation or Parole. (Act 199, Apr. 8, 1919.)

SEC. 3. Probation or parole shall be granted or ordered in the case of a person infected with venereal diseases only on such terms and conditions as shall insure medical treatment therefore and prevent the spread of such diseases.

County Tuberculosis Hospitals—Issuance of Bonds for. (Act 110, Apr. 8, 1919.)

SECTION 1. Section 4372 of the general laws is hereby amended so as to read as follows:

SEC. 4372. When the trustees at any regular meeting or at a special meeting called for that purpose shall determine by a majority vote of all its members that it is necessary to issue bonds in order to meet the cost incident to the establishment of a hospital under the provisions of this chapter, they shall by resolution determine the amount of bonds to be issued, the rate of interest to be paid, the denomination of said bonds, the time and place of payment, and the form of bond to be used. The trustees shall within 10 days from the passage of the resolution certify to the county clerk the result of their meeting; such certificate shall show the date of the meeting, where held, the number of trustees

present, the result of their vote, and a copy of the resolution passed by the trustees, and such certificate shall be duly recorded in the county clerk's office. The county may then issue its negotiable bonds for an amount not to exceed \$70,000. The bonds shall be of a denomination of not less than \$100 nor more than \$1,000 and shall draw interest at a rate not to exceed 6 per cent per annum, payable semiannually, and shall be signed by the county clerk and countersigned by the assistant judges. The form of bonds shall be substantially the same as is provided for municipal bonds, with such changes therein as will make them conform to the use of a county. Such bonds shall be payable serially, commencing one year after their date, at the rate of not less than \$2,000 per year. Such bonds shall not be sold for less than par and accrued interest. The bonds issued under this chapter shall be sold by the treasurer of the county to the highest bidder after being advertised by the county clerk in the same manner as is provided for the advertisement and sale of municipal bonds. The proceeds from the sale of said bonds shall be paid by the treasurer of the county on orders signed by all of the trustees.

SEC. 2. Section 4373 of the general laws is hereby amended so as to read as follows:

SEC. 4373. The assistant judges shall at the time of ascertaining the expenses of the county for the ensuing year determine the amount of principal and interest to become due within the year on the bonded indebtedness of the county in consequence of the issue of bonds under this chapter and shall make and deliver a written order to the county treasurer directing him to issue, on or before the 1st day of the following March, warrants to the collectors of taxes of the several cities and towns and to the supervisors of the unorganized towns and gores in the county for the collection of a tax sufficient to pay the principal and interest as it matures. Taxes assessed pursuant to the provisions of this section shall not be subject to the limitation prescribed by section 3831 of the general laws.

State Board of Health—Appointment of Secretary, Officers, and Assistants. (Act 173, Mar. 7, 1919.)

SECTION 1. Section 6194 of the general laws is hereby amended so as to read as follows:

SEC. 6194. The governor and said two members shall appoint a third member of said board who shall hold office until his successor is appointed and qualified. The member so appointed shall be a reputable practicing physician of the State and shall act as secretary of said board and be its executive officer. Said board may, subject to the approval of the board of control, appoint such officers and assistants as may be necessary to carry out the duties of said board.

State Board of Health—Salaries and Expenses of Secretary, Officers, and Assistants. (Act 174, Mar. 12, 1919.)

SECTION 1. Section 6195 of the general laws is hereby amended so as to read as follows:

SEC. 6195. The salaries of said secretary, officers, and assistants shall be fixed by said board, subject to the approval of the board of control, and they shall be allowed necessary expenses incurred in the discharge of their official duties. Said salaries and expenses shall be paid out of the moneys annually available for the purposes of this chapter.

District Health Officers—Appointment, Powers, Duties, Salaries, and Expenses. Assistant District Health Officers—Appointment, Duties, Fees, and Expenses. Local Health Officers in Municipalities of 5,000 or More—Appointment, Duties, Salaries, and Expenses. Deaths—Registration with Town Clerks. Burial Permits—Issuance by Town Clerks. Communicable Diseases—Reports of Cases—Quarantine. Annual Appropriation to Carry Out Act. (Act 175, Mar. 26, 1919.)

SECTION 1. The State board of health is hereby authorized to divide the State into sanitary districts, not exceeding 10 in number, and to appoint and remove at its discretion for each such district a health officer who shall be a reputable physician. Such district health officer shall hold office until his successor is appointed and qualified, and shall at all times be subject to the orders of the State board of health, and during his term of office shall not engage in the private practice of medicine. There may also be appointed in each district in cases of emergency and when deemed necessary by the State board of health one or more assistant district health officers, who shall devote such time as is necessary to duties assigned to them.

Each district health officer shall perform the following duties:

1. Keep himself informed as to the sanitary and health conditions existing within his district.
2. Provide for the prompt and efficient quarantine of all cases of communicable diseases within his district.
3. Aid the physicians of his district in making diagnoses of communicable diseases, and endeavor to enlist the cooperation of all such physicians in the improvement of the public health.
4. Study the causes of excessive morbidity and mortality from any disease in any portion of his district.
5. Promote efficient registration of births and deaths.
6. Furnish information to the general public in all matters pertaining to the public health.
7. Make regular inspections of the sanitary conditions of all schoolhouses within his district and supervise the execution of the orders of the State board of health relating thereto.
8. Serve as health supervisor of all public, private, and parochial schools within his district, under the regulations of the State board of health: *Provided, however,* That a minor shall not be compelled to submit to medical examination or treatment for or on account of any noncontagious disease if his parent or guardian objects thereto.
9. Inspect public buildings and cause such buildings to conform to the regulations of the State board of health.
10. Make inspections of sewer connections and plumbing and issue orders, in writing, for the performance of such work as is necessary to comply with the laws and regulations relating thereto.
11. Make general sanitary inspections within his district whenever and wherever he has reason to suspect that anything exists which may be detrimental to the public health.
12. Issue orders, in writing, for the destruction and removal, within a specified time, of nuisances, sources of filth, and causes of sickness.
13. Inspect all slaughterhouses within his district and cause them to conform to the rules and regulations of the State board of health relating thereto.
14. Perform such other duties as shall, from time to time, be assigned to him by the State board of health.

SEC. 2. The salaries of the district health officers shall be determined by the State board of health, subject to the approval of the board of control, and they shall be allowed necessary expenses incurred in the discharge of their official duties, such salaries and expenses to be paid by the auditor of accounts upon approval by the State board of health. When, in the opinion of the State board of health, it is necessary to call any district health officer for the purpose of attending meetings or conferences, within or without the State, he shall be allowed his necessary expenses while away from home.

SEC. 3. A district health officer may exercise all the powers of local boards of health within his own district, and his orders shall have the same force as the orders of the State or local boards of health. Failure to comply with the orders of the district health officer shall be construed as a failure to comply with the orders of the State board of health and shall be subject to the same penalties as prescribed by law therefor.

SEC. 4. Assistant district health officers shall be subject to call for such special services as are deemed necessary by the State board of health and for such services shall receive such fees as may be allowed by the board of control, and necessary expenses incurred in the discharge of their official duties, such fees and expenses to be paid by the auditor of accounts, upon approval by the State board of health, as provided in section 2 of this act.

SEC. 5. Cities and towns of 5,000 population or more may secure the services of a local health officer for such city or town by providing for the payment of the salary and expenses of such officer. When such provision is made the State board of health shall appoint a health officer for such city or town, who shall be subject to the same provisions and perform the same duties within his city or town as are specified for the district health officers.

SEC. 6. The town clerk of each town shall receive all certificates of deaths occurring within his own town, and shall issue burial permits and receive fees therefor as provided by sections 3801, 3808, 3811, 3812, 3813, 3814, 3818, 3819, and 3820 of the general laws: *Provided*, That burial permits in cases of deaths from communicable diseases shall not be issued by a town clerk except in accordance with instructions to be issued by the district health officer or the State board of health and to be kept on file by the town clerk.

SEC. 7. For the purpose of carrying out the provisions of this act, all physicians of the State shall be furnished by the State board of health with suitable cards for quarantining houses where cases of communicable disease exist, and shall be required to quarantine such houses as soon as the diagnosis is made or suspected, and shall immediately report the case by mail to the district health officer. If he considers it necessary, he may also make such report by telephone or telegraph. A physician failing to comply with the provisions of this section shall be fined not more than \$100 nor less than \$25.

SEC. 8. Wherever the words "health officer" or "local health officer" occur in the general laws relating to the powers and duties of such officers they shall be construed to mean or refer to the district health officer, except as provided in sections 5 and 6 of this act. The office of local health officer in the towns of any district shall not be vacated nor their fees invalidated until the district health officer of such district shall have been appointed and shall have qualified.

SEC. 9. The sum of \$35,000 is hereby annually appropriated for the purposes of carrying out the provisions of this act.

SEC. 10. Sections 6217 and 6234 of the general laws are hereby repealed.

SEC. 11. This act shall take effect July 1, 1919.

**Rural Sanitation—Appropriation for Cooperative Work with United States.
(Act 180, Apr. 3, 1919.)**

SECTION 1. The sum of \$10,000, or so much thereof as may be necessary, is hereby set aside from the money annually appropriated for the State board of health, to be expended for the purposes of rural sanitation, in order to take advantage of any appropriation by the Federal Government for rural sanitation that may become available to the State: *Provided, however,* That this act shall not take effect until the passage by Congress of legislation making such appropriation.

State Institutions—Medical Treatment of Inmates—Communicable Disease Cases. (Act 176, Apr. 4, 1919.)

SECTION 1. The director of State Institutions may, with the approval of the board of control, designate or construct a ward or hospital room at any State institution for the purpose of giving necessary treatment and care to inmates of such institutions.

SEC. 2. In case an inmate of a State institution at the expiration of his lawful term of confinement therein has or is afflicted with tuberculosis, venereal or other contagious communicable disease, and in consequence thereof such inmate is under quarantine by order of the State board of health, the superintendent of such institution is hereby authorized and directed to provide subsistence and medical treatment for such inmate at the expense of the State.

Tuberculous Cattle and Glandered Horses—Appraisal—Destruction—Payments to Owners. (Act 17, Apr. 8, 1919.)

SECTION 1. Section 503 of the general laws is hereby amended so as to read as follows:

SEC. 503. *Appraisal and disposition of slaughtered animals.*—The value of all animals killed by order of said commissioner or his agent shall be first appraised by the owner and the commissioner or his agent. In the event of a disagreement as to the amount of the appraisal a third disinterested person shall be selected to act with them and appraise the animals. In making such appraisal, the fact the animals have been condemned for disease shall not be considered, but in no case shall the appraisal for a single animal exceed the sum of \$100 except horses and registered cattle, in which cases the limit of appraisal shall be \$150, and a certificate of registration of such registered cattle shall be furnished the live stock commissioner before the claim is paid. The State shall pay the owner 75 per cent of such appraisal unless the animal on being slaughtered is free from tuberculosis or glanders, in which case the owner shall be paid the full amount of the appraisal.

SEC. 2. Section 507 of the general laws is hereby amended so as to read as follows:

SEC. 507. *Meat animals slaughtered; appraisal; disposition of carcass.*—A resident of this State who slaughters for human consumption at a place within this State an animal which after slaughter he finds or believes to be tuberculous, which animal shall have been owned within this State for a period of at least six months next preceding its slaughter, may forthwith notify said commissioner in writing or otherwise, giving such statement of facts under oath as the commissioner shall by general regulations require. The commissioner shall thereupon at the earliest date possible, in person or by agent, inspect the carcass of the animal in question, and, if such carcass is tuberculous, he or his agent shall appraise the same at a value not to exceed 12½ cents per

pound; and thereupon, within 60 days said commissioner shall furnish a certificate thereof to the auditor of accounts who shall draw an order in favor of the owner of such carcass for the sum of 75 per cent of the appraised value thereof: *Provided*, Such claim shall be presented in the office of the commissioner within 30 days. Such diseased carcass shall be buried or destroyed by the owner and at his expense, in the presence of said commissioner or his agent. Such 75 per cent shall not be reckoned on a sum greater than \$100 for a single animal. If upon examination the carcass is not found tuberculous, the expenses for inspection shall be paid by the owner or the party who applies for the inspection.

SEC. 3. *Appropriation*.—The sum of \$100,000 is hereby appropriated to carry out the provisions of this act.

Cattle, Horses, and Mules—Importation—Testing—Examination—Appraisal and Disposition of Tuberculous Cattle and Payments to Owners—Prevention and Suppression of Communicable Diseases. (Act 18, Mar. 25, 1919.)

SECTION 1. Section 492 of the general laws is hereby amended so as to read as follows:

SEC. 492. *Permits for importation; quarantine; examination; slaughter*.—A person shall not bring or cause to be brought, or ship, or caused to be shipped, into this State, any cattle, horses, or mules, without the written permission of said commissioner. Such permission shall be in the form of a printed or written permit, and shall state the name and address of the importer, the number of animals to be imported, the name of the place where such animals are to be held in quarantine for examination, and such other particulars as shall be deemed necessary. When cattle, horses, or mules, brought into the State on such permit have reached their destination, the owner shall forthwith notify said commissioner of the fact. Said commissioner, shall, within a reasonable time, in person, or through some competent assistant, examine all such cattle, horses, or mules, and may apply such tests as he deems necessary to determine the health of such animals. Calves under 3 months of age from tuberculin-tested herds and accompanied by a permit and certificate of health, shall not be detained in quarantine or held for test. Such certificate of health shall be executed under oath by the party making the shipment. Cattle, horses, or mules, found free from tuberculosis or other contagious or infectious disease shall forthwith be released from quarantine. Animals found diseased shall, if said commissioner deems necessary to protect the health of domestic animals, forthwith be slaughtered by and at the expense of the owner, and the carcasses, under regulations prescribed by said commissioner, shall be burned or buried or may be shipped to a fertilizer or rendering plant as hereinafter provided; and, when animals are killed on the premises of their owner, said commissioner or his agent shall witness their burial or burning, unless same are shipped as herein provided. The owner may retain the hides of such slaughtered animals, if slaughtered on the owner's premises, except from animals affected with certain dangerous diseases; and if shipped to a fertilizer or rendering plant, the owner may receive the net proceeds from the salvage. The owner shall bear the expense of detention, examination, test, and slaughter, but not the personal expenses of said commissioner.

SEC. 2. Section 495 of the general laws is hereby amended so as to read as follows:

SEC. 495. *Foreign tests of cattle; effect*.—Cattle brought into the State on permits may be tested in the State of origin. When animals have been so tested,

they will not be held for further tests in the State, provided the tests have been made by a veterinarian whose competency and reliability are certified to by the authority charged with the control of live-stock sanitary matters in the State in which such test was made. When the live stock commissioner has reason to believe that tuberculin or mallein testing in any State is not done in a competent or reliable manner, he may issue permits for the importation of cattle, horses, or mules from such State subject to quarantine at destination and a retest at the expiration of a period not to exceed 60 days.

SEC. 3. Section 499 of the general laws is hereby amended so as to read as follows:

SEC. 499. *Private tests; report; pay for reactors; agreement.*—All tuberculin tests shall be reported to the live stock commissioner by the owner of the cattle tested or his agent. Such report shall be made within five days from the time said test is completed and shall include a complete temperature record and such other information as said commissioner may require. If such test is made by a veterinarian under authority of said commissioner and any reactors are found, they shall be appraised by the veterinarian or said commissioner and paid for as provided in section 503, provided the owner of the reacting cattle and the owner or owners from whom such cattle have within 90 days been bought, has tested his entire herd or herds within one year in accordance with the regulations prescribed by said commissioner under section 500, or provided the owner or owners of such herd or herds from whom the cattle were bought shall agree to test such entire herd or herds under said regulations, in which case the claim shall not be paid until such entire herd or herds have been tested.

SEC. 4. Section 500 of the general laws is hereby amended so as to read as follows:

SEC. 500. *Tests on application of owner; terms.*—An owner of cattle or horses may make application to said commissioner for a State test of his stock for tuberculosis or glanders. In the case of cattle, the commissioner shall forthwith send said owner an application blank and agreement calling for such information about the herd as he may require and prescribing as a condition of such test the observance on the part of the owner of such measures as shall be deemed necessary by the commissioner to keep the herd free from tuberculosis. As soon as possible after the receipt of such application and agreement said commissioner shall in person, or by some competent person employed by him for that purpose, make a thorough physical examination of such animals, and may subject them to the tuberculin test. In the case of horses, the commissioner shall make, or cause to be made, upon the application of the owner, a thorough physical examination of said animals and may subject them to the mallein test. If any of the animals react to the test, they shall be condemned and disposed of, after appraisal, in the manner hereinafter provided. The State shall pay the cost of examination and test under the provisions of this section, except in case of horses tested for glanders and which do not respond to the test, and in such case the cost of the test shall be paid by the owner. If an owner signs an agreement under which he receives a test at the expense of the State and thereafter violates the terms of such agreement, he shall forfeit his right to further tests at the expense of the State and to indemnity from the State for cattle reacting to the test, until he has refunded to the State treasury any sums received from the State for indemnity from the time of the passage of this act.

SEC. 5. Section 501 of the general laws is hereby amended so as to read as follows:

SEC. 501. *Same; exceptions.*—The provisions of the preceding section shall not apply in the case of cattle owners whose animals have passed without reactors two annual or three semiannual tests. Such owners shall keep their

animals free from disease, at their own expense, under regulations prescribed by said commissioner; but if any reactors are found, they shall be appraised and paid for as provided in the second following section; but said commissioner may retest cattle or horses, as provided in this chapter, when in his judgment the conditions warrant it.

SEC. 6. Section 502 of the general laws is hereby amended so as to read as follows:

SEC. 502. *Quarantine; exceptions.*—If said commissioner is informed by a veterinarian that a contagious disease exists, he shall make or cause to be made an examination of such suspected animals and may, in his judgment, quarantine such animals, or the town or place in which such animals are located, and shall take such other measures for the extermination of the disease as may seem necessary for the public good; but the provisions of this section shall not be construed to include tuberculosis as a contagious disease, and quarantine regulations shall not apply to tuberculous cattle in such cases, except in case of animals which have been classified as suspicious by a veterinarian as a result of a tuberculin test.

SEC. 7. Section 509 of the general laws is hereby amended so as to read as follows:

SEC. 509. *Cattle shipped into Massachusetts and condemned; compensation.*—Upon receipt of the report required by the preceding section and a certificate from the Massachusetts Board of Cattle Commissioners showing the number and description of such animal, name of shipper, cause of rejection, and a certificate under oath from the seller of the animal, together with a certificate from the owner of the animal from whom purchased in this State, giving a description of such animal, the date and place of sale, and the price paid for same, the live-stock commissioner of this State shall, if he is satisfied of the truth of such report and such last-named certificate, so certify to the auditor of accounts, who shall allow and draw an order for a sum equal to 75 per cent of the purchase price of such animal, less the amount received for the same in Massachusetts; but such 75 per cent shall not be reckoned on a sum greater than \$75, nor shall the indemnity provided for in this and the preceding section be paid to or on behalf of anyone who is not a resident of the State of Vermont. The provisions of this section shall not apply unless the owner of the reacting animal and the owner or owners from whom such animal has within 90 days been bought has tested his entire herd or herds within one year in accordance with the regulations prescribed by said commissioner under section 500, or provided the owner or owners of such herd or herds from whom the animal was bought shall agree to test such entire herd or herds under said regulations, in which case the claim shall not be paid until such entire herd or herds have been tested. A person purchasing milch cows for shipment out of the State otherwise than as provided in the preceding section may have the same tested at his own expense under the direction of the live-stock commissioner before removing the same from the State. In case said cows, or any of them, are found tuberculous, the same proceedings shall be had and the same payments made as are provided for in section 503, provided the owner of the reacting cattle and the owner or owners from whom such cattle have within 90 days been bought has tested his entire herd or herds within one year in accordance with the regulations prescribed by said commissioner under section 500, or provided the owner or owners of such herd or herds from whom the cattle were bought shall agree to test such entire herd or herds under said regulations, in which case the claim shall not be paid until such entire herd or herds have been tested. The purchaser shall make a report in writing to said

commissioner giving the name of the person of whom such diseased cattle were purchased, the date of such purchase, and the sum paid therefor.

SEC. 8. Section 510 of the general laws is hereby amended so as to read as follows:

SEC. 510. *Funds available; selling condemned animals for food; penalty.*—The sum annually available for the purposes of this chapter, and in addition thereto whatever amount may be received by the State from the sale of condemned animals, shall be used to carry out the provisions of the preceding sections of this chapter. In case of the outbreak within the State of some unusual or dangerous disease of domestic animals said commissioner may use such further sums as the governor may authorize to be paid in the manner provided by law, but the expenses so incurred shall in no case be deducted from the amount annually provided. A person or persons or rendering company offering for sale cattle or stock condemned by this act for food purposes shall be fined not more than \$2,000 or less than \$1,000 unless such cattle or stock are inspected and passed upon by an agent or official of, and according to the regulations of, the Bureau of Animal Industry of the United States Department of Agriculture.

SEC. 9. *Repeal.*—Section 493 of the general laws is hereby repealed.

Births, Deaths, and Marriages—Completion of Records of the State—Duties of Town Clerks. (Act 92, Mar. 26, 1919.)

SECTION 1. The secretary of state shall, as soon as practicable after the passage of this act, ascertain from what towns and for what years complete returns of births, marriages, and deaths have not been made, to the State or are not to be found among the records of his office, and shall convey this information to the clerks of such towns, together with suitable blanks upon which to make returns.

SEC. 2. Such town clerks shall, under the direction of the secretary of state, cause to be transcribed in full upon said blanks all records of births, marriages, and deaths in the possession of the town and churches not already returned, and to transmit the same properly certified to the secretary of state within such reasonable time as may be allowed by him, and for such service the town clerk or person performing the service shall receive from the town the sum of 5 cents for each record so transcribed, certified, and transmitted. If the death records of a town prior to 1870 are incomplete, the secretary of state shall notify the selectmen of said town to that effect. The selectmen of such town shall, before October 1, 1919, cause to be copied at the expense of the town under the direction of the secretary of state the inscription on all gravestones in their town erected to the memory of any person who died prior to 1870 so far as relates to name of deceased, date of death, age, or date of birth, if given, and the name of the cemetery where buried, and shall cause such records to be recorded in the town records. The secretary of state shall furnish the town clerk of said town suitable blank cards for the return of such records, which shall be returned, as before provided in this section, not later than January 1, 1920.

SEC. 3. All records returned in accordance with the provisions of this act shall be so filed and indexed as to be made readily available for reference.

WASHINGTON.

Venereal Diseases—Unlawful for Infected Persons to Expose Others to Infection—Examination of Persons Suspected of Being Infected—Treatment—Isolation—Quarantine—Repression of Prostitution—Examination and Treatment of Prisoners—Regulations to be Made by State Board of Health—Confirmation of Diagnosis by Laboratory Examinations—Appeals by Quarantined Persons to State Commissioner of Health—Establishment of Quarantine Districts—Establishment and Conduct of Quarantine Stations and Clinics—Commitment of Infected Women. (Ch. 114, Act Mar. 14, 1919.)

SECTION 1. That syphilis, gonorrhea, and chancroid, hereinafter designated as venereal diseases, are hereby declared to be contagious, infectious, communicable, and dangerous to the public health. It shall be unlawful for anyone infected with these diseases, or any of them, to expose another person to infection.

SEC. 2. State, county, and municipal health officers, or their authorized deputies, who are licensed physicians within their respective jurisdictions, are hereby directed and empowered, when in their judgment it is necessary to protect the public health, to make examination of persons reasonably suspected of being infected with venereal disease of a communicable nature, and to require persons infected with venereal disease of such communicable nature to report for treatment to a reputable physician and continue treatment until cured, or to submit to treatment provided at public expense until cured, and also, when in the judgment of the State commissioner of health it is necessary to protect the public health, to isolate or quarantine persons infected with venereal disease of such communicable nature. It shall be the duty of all local and State health officers to investigate sources of infection of venereal diseases, to cooperate with the proper officials whose duty it is to enforce laws directed against prostitution, and otherwise to use every proper means for the repression of prostitution: *Provided*, That any person suspected as herein set out may have present at the time of taking the blood test, sample, or smear a physician of his or her own choosing, who may satisfy himself that the blood or smear taken is that of the suspected person and that the same shall be forwarded to the proper State authorities for laboratory tests: *And provided further*, That the suspected person shall be informed by the health officer of his or her rights under this act.

SEC. 3. Any person who shall be confined or imprisoned in any State, county, or city prison in the State, and who may be reasonably suspected by the health officer of being infected with venereal disease, shall be examined for and, if infected, treated for venereal diseases by the health authorities or their deputies who are licensed physicians. The prison authorities of any State, county, or city prison are directed to make available to the health authorities such portion of any State, county, or city prison as may be necessary for a clinic or hospital wherein all persons who may be confined or imprisoned in any such prison and who are infected with venereal disease, and all such persons who are suffering with venereal disease at the time of the expiration of

their terms of imprisonment, and, in case no other suitable place for isolation or quarantine is available, such other persons as may be isolated or quarantined under the provisions of section 2 shall be isolated and treated at public expense until cured; or in lieu of such isolation any such persons may, in the discretion of the board of health, be required to report for treatment to a licensed physician or submit to treatment provided at public expense as provided in section 2. Nothing herein contained shall be construed to interfere with the service of any sentence imposed by a court as a punishment for the commission of crime.

SEC. 4. The State board of health is hereby empowered and directed to make such rules and regulations as shall in its judgment be necessary for the carrying out of the provisions of this act, including rules and regulations providing for the control and treatment of persons isolated or quarantined under the provisions of section 2, and such other rules and regulations, not in conflict with provisions of this act, concerning the control of venereal diseases, and concerning the care, treatment, and quarantine of persons infected therewith, as it may from time to time deem advisable. All such rules and regulations so made shall be of force and binding upon all county and municipal health officers and other persons affected by this act, and shall have the force and effect of law: *Provided*, That such regulations shall prescribe reasonable safeguards against the disclosure of the names of any such infected persons who faithfully comply with the provisions of this act and the lawful regulations of the State board of health, except to officers and physicians charged with the enforcement of this act, and such rules and regulations and any violation of such safeguarding regulations shall be a gross misdemeanor.

SEC. 5. Any person who shall violate any of the provisions of this act or any lawful rule or regulation made by the State board of health pursuant to the authority herein granted, or who shall fail or refuse to obey any lawful order issued by any State, county, or municipal health officer pursuant to the authority granted in this act shall be deemed guilty of a gross misdemeanor.

SEC. 6. Diagnosis in every instance must be confirmed by laboratory examinations in a laboratory approved by the State board of health before any person shall be isolated or committed to quarantine and before any person committed to quarantine shall be discharged therefrom.

SEC. 7. Any person committed to quarantine under the provisions of this act feeling aggrieved at the finding of any health officer that he or she is infected, or at the finding of any quarantine officer that he or she has not been cured of infection, shall have the right of appeal from such finding to the State commissioner of health; and it shall be the duty of every health officer making an examination, and of every quarantine officer to notify all persons examined or quarantined of their rights in that regard, and to supply them with the forms necessary for that purpose upon which to make such appeals, to be provided by the State commissioner of health, and to immediately transmit any such appeals by mail to the State commissioner of health; and the State commissioner shall, within five days after receiving any such appeal, either in person or by regular or special physician deputy appointed for that purpose and skilled in the diagnosis of contagious venereal diseases, examine or cause to be examined the person taking the appeal, and the finding and conclusion of the commissioner of health or his deputy so making such examination shall be final and conclusive.

SEC. 8. For the purpose of carrying out the provisions of this act the State board of health shall have the power and authority from time to time to divide the State into such number of quarantine districts consisting of one

or more counties or parts of counties or municipalities as it shall deem expedient, and to establish at such place or places as it shall deem necessary quarantine stations and clinics for the detention and treatment of persons found to be infected, and to establish any such quarantine station and clinic in connection with any county or city jail, or in any hospital or other public or private institution having, or which may be provided with, such necessary detention, segregation, isolation, clinic, and hospital facilities as may be required and prescribed by the board, and to enter into arrangements for the conduct of such quarantine stations and clinics with the public officials or persons, associations, or corporations in charge of or maintaining and operating such institutions: *Provided*, That from and after the date of the proclamation of the governor that that certain public institution, if established by the sixteenth legislature, to be known as the Women's Industrial Home and Clinic, is ready for the reception of inmates, all infected women committed to quarantine under the provisions of this act may be committed to said institution; and all women committed to quarantine in said institution shall be entitled to receive all benefits of the mental, physical, and moral training provided for the inmates of such institution.

SEC. 9. The provisions of this act shall be cumulative with the existing laws and regulations, and nothing herein contained shall abridge or limit the powers of health authorities as construed by the Supreme Court of the State of Washington, except as herein otherwise provided.

County Tuberculosis Hospitals—State Aid to. (Ch. 35, Act Feb. 18, 1919.)

SECTION 1. That section 5554-10 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

SEC. 5554-10. There shall be paid by the State treasurer quarterly to the counties maintaining such hospitals \$5 per week for each person in such institution during time of confinement, as hereinafter provided, excepting those paying full maintenance.

Milk and Milk Products—Production, Manufacture, Handling, and Sale. Bovine Animals—Examination and Testing for Tuberculosis—Appraisal and Destruction When Infected—Payments to Owners. (Ch. 192, Act Mar. 20, 1919.)

SECTION 1. That for the purpose of this act certain words, terms, and expressions therein contained shall be construed as follows:

The term "dairy" shall mean any place where milk from two or more cows is produced for sale.

The term "creamery" shall mean any place, building, or structure wherein milk or cream is manufactured into butter.

The term "milk plant" shall mean any place, building, or structure wherein milk is received for bottling, pasteurizing, clarifying, or otherwise processing.

The term "cheese factory" shall mean any place, building, or structure wherein milk is manufactured into cheese.

The term "factory of milk products" shall mean any place, building, or structure, other than a creamery, milk plant, cheese factory, or milk-condensing plant, wherein milk or any of its products is manufactured, altered, changed, or compounded into any article, compound, or product designed and intended for human consumption.

The term "milk" shall mean the fresh, clean, lacteal secretion obtained by milking one or more healthy cows, properly fed and kept, and not obtained or

taken within 10 days preceding the parturition of such cow or cows, nor within 5 days thereafter, and which contains not less than 8.50 per cent of milk solids, and not less than 3.25 per cent of fat: *Provided, however,* That nothing in this act shall prohibit the sale of the whole, unadulterated and unskimmed milk of any cows whose milk tests below the butter-fat standard herein fixed.

The term "skimmed milk" shall mean any milk from which the cream has been removed, or which contains less than 3.25 per cent of butter fat, and not less than 8.8 per cent of milk solids exclusive of fat.

The term "sterilized milk" shall mean milk that has been heated to the temperature of boiling water or to a higher temperature and maintained at such temperature for a length of time which shall be sufficient to kill all organisms present in such milk.

The term "blended milk" shall mean milk which is modified in its composition so as to have a definite and stated percentage of one or more of its constituents.

The term "condensed milk," "evaporated milk," and "concentrated milk," and each or either of them, shall mean the product resulting from the evaporation of a considerable portion of the water from the whole, fresh, clean, lacteal secretion obtained by the milking of one or more healthy cows, and not obtained within 10 days before nor within 5 days after parturition, and which contains, all tolerances being allowed for, not less than 25.5 per cent of total solids and not less than 7.8 per cent of milk fat.

The words "condensed milk," when used in this act not in connection with "sweetened condensed milk," shall include condensed milk to which sucrose has been added.

The term "condensed skimmed milk," "evaporated skimmed milk," and "concentrated skimmed milk," and each or either of them, shall mean the product resulting from the evaporation of a considerable portion of the water from skimmed milk, and which contains, all tolerances being allowed for, not less than 18 per cent of milk solids.

The term "sweetened condensed milk," "sweetened evaporated milk," and "sweetened concentrated milk," and each or either of them, shall mean condensed milk conforming to the standards and definitions of this act, to which sugar (sucrose) has been added.

The term "sweetened condensed skimmed milk," "sweetened evaporated skimmed milk," and "sweetened concentrated skimmed milk," and each or either of them, shall mean the product resulting from the evaporation of a considerable portion of the water from skimmed milk, to which sugar (sucrose) has been added, and which contains, all tolerances being allowed for, not less than 28 per cent of milk solids.

The term "dried milk" shall mean the product resulting from the removal of water from milk, and which contains, all tolerances being allowed for, not less than 26 per cent of milk fat and not more than 5 per cent of moisture.

The term "dried skimmed milk" shall mean the product resulting from the removal of water from skimmed milk, and which contains, all tolerances being allowed for, not more than 5 per cent of moisture.

The term "malted milk" shall mean the product made by combining whole milk with the liquids separated from a mash of ground barley malt and wheat flour, with or without the addition of sodium chloride, sodium bicarbonate, or potassium bicarbonate, in such manner as to secure the full enzymic action of the malt extract, and by removing water, and which contains not less than 7½ per cent of butter fat and not more than 3½ per cent of moisture.

The term "buttermilk" shall mean that portion of the cream which remains after the separation and removal therefrom of the butter fat without the addition of water.

The term "ice cream" shall mean the frozen product made from the combination of milk fats, milk solids, and sugar, with or without harmless coloring or flavoring matter and with or without the addition of pure gelatine or vegetable gums, and which contains not less than 8 per cent of milk fats and not less than 18 per cent of milk fats and milk solids not fat combined.

The term "fruit ice cream" shall mean the frozen product made from the combination of milk fats, milk solids, and sugar, with or without harmless coloring or flavoring matter, and with or without the addition of pure gelatine or vegetable gums, and to which has been added sound, clean, and mature fruits and which contains not less than 8 per cent of milk fat, and not less than 18 per cent of milk fats and milk solids, not fat, combined.

The term "nut ice cream" shall mean the frozen product made from the combination of milk fats, milk solids, and sugar, with or without harmless coloring or flavoring matter, and with or without the addition of pure gelatine or vegetable gums, and to which has been added sound, clean, and nonrancid nuts, and which contains not less than 8 per cent of milk fat and not less than 18 per cent of milk fat and milk solids, not fat, combined.

The term "ice milk" shall mean the frozen product made from the combination of pure, sweet milk and sugar, with or without harmless coloring or flavoring matter, and containing not less than 2.4 per cent of milk fat, and not more than six-tenths of 1 per cent of pure and harmless vegetable gum or gelatine.

The term "milk fat" and "butter fat," and each or either of them shall mean the fat of milk having a Reichert-Meissel number not less than 24° and a specific gravity not less than 0.905 at a temperature of 40° C.

The term "cream" shall mean that portion of milk rich in butter fat which rises to the surface on standing, or is separated from it by centrifugal force, and which is fresh and clean and contains not less than 18 per cent of milk fat.

The term "butter" shall mean the clear, nonrancid product made by gathering in any manner the fat of fresh or ripened milk or cream into a mass containing not less than 80 per cent of milk fat, and which also contains a small portion of other milk constituents with or without harmless coloring matter.

The term "renovated butter" shall mean butter that has been reduced to a liquid state by melting and drawing off such liquid or butter oil, and has thereafter been churned or manipulated in connection with milk, cream, or other product of milk.

The term "reworked butter" shall mean the product obtained by mixing, rechurning, or reworking butter manufactured on different dates or at different places: *Provided, however,* That the mixing of the clean, fresh trimmings or remnants from one day's churning or cutting with butter from the churning of the same creamery on the day next following shall not make the product reworked butter within the meaning of this act.

The term "milk products" shall mean and include each, every, and any article, substance, product, or compound manufactured, produced, or compounded from milk, whether such milk conform to the standard and definitions set forth in this section or not.

The term "milk by-product" shall mean any and all products of milk derived or made therefrom after the removal of the milk fat or milk solids in the process of making butter or cheese, and shall include skimmed milk, buttermilk, whey, casein, and milk powder.

The term "cheese" shall mean the sound, solid, and ripened product made from milk or cream by coagulating the casein therein with rennet, lactic acid, or pepsin with or without the addition of ripening ferments and seasoning, and with or without salt or harmless coloring matter.

The term "full cream cheese" or "full milk cheese" and each or either of them, shall mean cheese which contains in the water-free substance thereof not less than 50 per cent of milk fat.

The term "half skim cheese" shall mean cheese which contains in the water-free substance thereof less than 50 per cent and not less than 25 per cent of milk fat.

The term "skim cheese" shall mean cheese which contains in the water-free substances thereof less than 12 per cent of milk fat.

The term "quarter skim cheese" shall mean cheese which contains in the water-free substance thereof less than 25 per cent and not less than 12 per cent of milk fat.

The term "imitation cheese" shall mean any article, substance, or compound, other than that produced from pure milk or from the cream from pure milk, which shall be made in the semblance of cheese and designed to be sold or used as a substitute for cheese made from pure milk or cream: *Provided, however,* That the use of salt, rennet, lactic acid, or pepsin, and harmless coloring matter for coloring the product of pure milk or cream, shall not be construed to render such product an imitation: *And provided further,* That nothing in this section shall prevent the use of pure skimmed milk in the manufacture of cheese.

The term "whey" shall mean the product remaining after the removal of fat and casein from milk in the process of cheese making.

The term "oleomargarine" shall mean all manufactured substances, extracts, mixtures, or compounds, including mixtures or compounds with butter, heretofore known as oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral, and shall include all lard and tallow extracts and all mixtures and compounds of tallow, beef fat, suet, lard, lard oil, intestinal fat, and offal fat made in imitation or semblance of butter or calculated or intended to be sold as butter or for butter.

The term "substitute butter" shall mean and include all compounds of vegetable oils with milk fats or milk solids, and all compounds of milk fats or milk solids with butter, when such compound contains less than 80 per cent of milk fat.

The term "person" shall import both the singular and plural, as the case may demand or as shall be applicable, and shall include individuals, copartnerships, corporations, and unincorporated societies and associations.

SEC. 2. A dairy shall be deemed insanitary in the following cases:

(a) If the drinking water provided for the cows therein be stagnant, polluted with manure, urine, drainage, or decaying vegetable or animal matter.

(b) If the yards or inclosures in which the cows are confined or kept be filthy or insanitary.

(c) If any part of the yards or inclosures in which the cows are confined or kept, other than pastures, be made depositories of manure in heaps, or otherwise, where it is allowed to ferment and decay.

(d) If a suitable milk house or milk room is not provided and maintained, properly screened to exclude flies and insects, for the purpose of cooling, mixing, bottling, canning, keeping, or separating the milk or cream. Such milk house or milk room shall not be located in or be a part of any barn or poultry house, and shall not be used for any other purpose whatsoever; and if contained in any building or structure in which any business, occupation, or trade, other than handling, bottling, or processing milk, is conducted or carried on, such

milk room shall be separated from the portion or portions of such building or structure in which such business, trade, or occupation is conducted or carried on by a tightly celled or plastered partition constructed in such manner as to meet with the approval of and comply with any regulations issued by the department of agriculture.

(e) If milk or cream shall be cooled, stored, mixed, bottled, canned, or kept in any room or place occupied by any person as a sleeping or living apartment, or occupied by horses, cows, hogs, or other animals, or by fowl of any kind.

(f) If any urinal, privy vault, open cesspool, pigpen, stagnant water, accumulation of manure, or other filth shall be permitted within 100 feet of such milk house or milk room, or within 50 feet of any cow stalls or stanchions or other place where milking is done.

(g) If the walls or floor of such milk house or milk room shall become soiled with manure, urine, dirt, or other filth.

(h) If an application of lime whitewash to the interior of any cattle stable, barn, or milking shed in which cows are kept or milked, or any milk house or milk room in which milk is cooled, stored, mixed, bottled, canned, or kept, shall not be made as often as once in one year.

[No subdivision (i).]

(j) If the pails, cans, or other containers of milk, or the strainers or coolers coming in contact with the milk, are not thoroughly sterilized with boiling water or live steam each and every time the same are used.

(k) If the person or wearing apparel of the dairyman or his employees or other persons coming in contact with milk and its products are allowed to become soiled or are not washed from time to time with reasonable frequency.

(l) If the milking stools, milking machines, and equipment therein are not kept clean.

(m) If there shall be permitted to exist any other cause or thing calculated or tending to render the milk or its products in such dairy unclean, impure, and unhealthy.

SEC. 3. A creamery, milk plant, cheese factory, milk condensing factory or factory of milk products, and any store, market, depot, booth, or other place where milk is handled, stored or kept for sale, shall be deemed unsanitary in the following cases:

(a) If milk or cream is received that has reached an advanced stage of fermentation, or that shows a state of putrefactive fermentation.

(b) If milk be received, stored, or kept in cans or other containers that have not been sterilized with boiling water or live steam after each delivery.

(c) If utensils and apparatus that come in contact with milk or its products in the process of manufacture are not thoroughly washed and sterilized by means of boiling water or live steam after each using.

(d) If the floor of such creamery, factory, plant, store, market, depot, booth or place is so constructed, or in such condition, as to permit the flowing or soaking of water, milk or other liquids underneath such floor, or among the interstices of such floor in such manner as to permit fermentation and decay to take place.

(e) If the condition of the floor in any such creamery, factory, plant, store, market, depot, booth or other place be such that it may not be readily kept free from dirt and filth.

(f) If drains are not provided that will convey refuse milk, water, and sewage to a point at least 50 yards distant from such creamery, factory, plant, store, market, depot, booth, or place.

(g) If any cesspool, privy vault, hog yard, slaughterhouse, henhouse, manure, or any decaying vegetable or animal matter that will emit or produce foul

odors, shall be permitted to exist within such distance as will permit the odors therefrom to reach any such creamery, factory, plant, store, market, booth, depot, or other place where milk or milk products are handled, stored, or kept for sale.

(h) If such creamery, factory, plant, depot, booth, store, market, or other place where milk or milk products are handled, stored, or kept for sale is so constructed or is so maintained as not to permit access thereto of sufficient light and air to secure good ventilation.

(i) If in any building or buildings used in connection with any creamery, cheese factory, milk plant, milk condensing factory, or factory of milk product any insects, vermin, or other species of animal life are permitted.

(j) If upon the floor of any creamery, cheese factory, milk plant, milk condensing factory or factory of milk products, or upon the sides of walls thereof, any milk or its products, or any other filth is allowed to accumulate, ferment or decay.

(k) If the body or wearing apparel of any person employed in any creamery, cheese factory, milk plant, milk condensing factory, or factory of milk products, or coming in contact therein with any milk or milk product, shall be unclean, or shall not be washed from time to time with reasonable frequency.

(l) If there shall be permitted to exist any other cause or thing calculated or tending to render the milk or its products produced, kept, handled, or manufactured in such creamery, plant, factory, store, booth, or depot, unclean, impure, and unhealthy.

SEC. 4. No milk, cream, butter, or other milk product which has been prepared for human consumption shall be offered for sale for such consumption unless it shall be kept properly protected from flies, dust, dirt, or other injurious contamination by being properly covered with a glass, wooden, or metal case or covering.

SEC. 5. Every person, firm, or corporation, not a common carrier, who receives from a common carrier in cans, bottles, vessels, or any other container any milk, cream, ice cream, or ice milk intended for human consumption which has been transported over any railroad, boat, or freight line, or by wagon, automobile, autotruck, or other common carrier shall cause such cans, bottles, vessels, or containers to be thoroughly cleansed and sterilized with boiling water or live steam before returning the same to the consignor or to the carrier from whom the same were received.

SEC. 6. All cans, bottles, vessels, or other containers received from consumers by any vendor, peddler, or retailer shall be thoroughly cleansed before being returned to the dealer or distributor.

SEC. 7. Milk, cream, ice cream, ice milk, and other milk products, when being shipped or transported by freight, express, truck, or wagon, or other carrier, shall be handled, kept, and maintained during such transportation in a clean and sanitary condition and manner, and shall not be exposed to contamination by dirt, dust, foul odors, or other contaminating influences, nor shall such milk, cream, ice cream, or ice milk be allowed to remain in any place where it or its containers shall be exposed to the direct rays of the sun.

SEC. 8. No person shall sell, offer to sell, or expose for sale any milk or cream taken from any cream separator not kept thoroughly washed and cleaned, and not regularly washed and cleaned in a thorough manner within three hours after each use thereof.

SEC. 9. No person shall sell, offer to sell, or expose for sale any milk or cream taken from any cream separator kept in any stable or other building wherein any animal or fowl is housed or kept, or in any place where the conditions are insanitary or where the air is foul or contaminated: *Provided*,

That this section shall not be construed to prohibit the keeping of such cream separator in any room which is wholly separated by tightly ceiled or plastered partitions having no openings from that part of the stable or building in which milking cows are housed or kept.

SEC. 10. All tinware, woodenware, glassware, and other utensils used in or about any dairy, creamery, milk plant, milk condensing plant, or factory of milk products shall be kept clean and in sanitary condition.

SEC. 11. That process of pasteurization as applied to milk, skimmed milk, cream, and milk products is here defined and declared to be a process for the elimination therefrom of organisms harmful to human beings. Such process as applied to milk shall consist of uniformly heating such milk to a temperature of not less than 140° F. and of holding the same at such temperature for a period of not less than 25 minutes, and immediately thereafter of cooling such milk to a temperature of not above 50° F. Such process as applied to skimmed milk, cream, or other milk product shall consist of uniformly heating such skimmed milk, cream, or milk product to a temperature of not less than 140° F. and of holding the same at such temperature for a period of not less than 25 minutes, or of heating the same to a temperature of 176° F. without holding: *Provided, however,* That whenever milk or cream shall be subjected to such process before being used in the manufacture of butter or cheese, and when the process of ripening is to be commenced immediately, it shall not be necessary that such milk or cream be cooled to a lower temperature than is necessary for such ripening or starting.

SEC. 12. All milk or cream used in the manufacture of pasteurized butter or cheese shall be subjected to the process of pasteurizing in the creamery or cheese factory where such butter or cheese shall be manufactured therefrom, and not elsewhere.

SEC. 13. No milk that has once been subjected to the process herein described and defined as pasteurization shall be a second time subjected to such process.

SEC. 14. Every pasteurizing plant or apparatus by which the process of pasteurization is applied to any milk shall be equipped with a holding device which will insure the holding and maintaining of the milk being subjected to such process at the temperature and for the periods of time required by the provisions of this act.

SEC. 15. Every pasteurizing plant or apparatus by which the process of pasteurizing is applied to any milk, skimmed milk, or cream shall be equipped with a registering thermometer device which will accurately indicate and record the temperature of such milk, skimmed milk, or cream.

SEC. 16. All registering thermometer devices used in the pasteurization of milk or milk products must be such as shall be approved by the department of agriculture.

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SEC. 23. No person shall take, extract, or return to any creamery, milk plant, cheese factory, or factory of milk products, any unfair, fraudulent, or manipulated sample of any cream or milk, purchased, received, hauled, sold, or delivered.

SEC. 24. Whenever in any year an application shall be made to the department of agriculture subsequent to the 1st day of August in such year, for the issuance of a license for the balance of the year ending June 30, thereafter, such license shall be issued by said department upon payment by the applicant of such pro rata proportion of the license fee provided by this act as shall be obtained by prorating the number of months, including the month in which application is made, during which such license will be in force and effect with the whole number of months in the year ending June 30 thereafter: *Provided,*

however, The provisions of this section shall not apply to any person who subsequent to the 1st day of July in the year in which application for license is made, and before receiving such license, was engaged in the trade, business, or occupation for which a license is applied for, nor to any person applying for a Babcock licensed tester's license, or for a milk vender's license, nor to any person applying for a license to purchase milk and cream in bulk.

SEC. 29. Every creamery, milk plant, shipping station, milk-condensing plant, ice-cream factory, or factory of milk products, or other person receiving or purchasing milk, or cream in bulk, and not bottled, and by weight, or measure, or upon the basis of the amount of milk fat contained therein, shall annually obtain a license therefor. Such license shall be issued by the department of agriculture upon being satisfied that the building, structure, place, or premises, where such milk is to be received or purchased, is maintained in a sanitary condition in accordance with the provisions of this act; and upon the payment to the department of a license fee of \$1 therefor. Such license shall be for the period of one year and shall expire on the 30th day of June subsequent to the date of its issue, and may be sooner revoked by the department of agriculture, upon reasonable notice to the licensee, if such licensee shall fail to comply with the provisions of this act and the rules and regulations issued and promulgated by the department of agriculture under the authority of this act: *Provided, however,* That the provisions of this section shall not apply to individuals purchasing milk or cream for consumption by themselves, or their families, nor to the owners or keepers of hotels, restaurants, boarding houses, and eating houses purchasing milk or cream to be served or consumed therein.

SEC. 30. Every person before selling milk, or offering it for sale in a store, booth, stand, or market place in any town or city, shall procure a milk vender's license therefor: *Provided,* That nothing in this act shall apply to persons selling milk from not more than four cows.

SEC. 31. No person, firm, or corporation shall convey, transport, or carry any milk, skimmed milk, buttermilk, or cream in any wagon, automobile, cart, or other vehicle, for the purpose of selling or vending the same in any city or town within the State or sell or vend any milk, skimmed milk, buttermilk, or cream from any such wagon, cart, automobile, or other vehicle, within any such town or city, unless such person, firm, or corporation shall have first obtained a milk vender's license therefor.

SEC. 32. Milk vender's licenses shall be issued by the department of agriculture upon application and upon the payment therefor of a license fee of \$1. Such licenses shall be for the period of one year, unless sooner revoked, and shall expire on the 30th day of June next subsequent to the issue thereof. Each milk vender's license shall contain the number of the license and the name, residence, and place of business, if any, of the licensee, and no such license shall be sold, assigned, or transferred. Any milk vender's license may be at any time revoked by the department of agriculture upon reasonable notice to the licensee, if such licensee shall be guilty of violation of or shall fail to comply with this act or any section or provision thereof, or shall violate or refuse or neglect to comply with any lawful regulation or order of the department of agriculture, or any officer, agent, or inspector thereof.

SEC. 33. No person, firm, or corporation who shall hold a license to purchase milk or cream in bulk as required by section 29 of this act shall be required to obtain or hold a milk vender's license.

SEC. 34. The department of agriculture shall from time to time prepare, issue, and promulgate such rules and regulations governing the issuing of licenses,

the making of applications therefor, the determination of the qualifications of such applicants, and for the making of complaints, the giving of notice, and for hearing and other proceedings for the revocation of licenses as it shall deem necessary and as shall not be in conflict with the provisions of this act.

SEC. 35. It shall be the duty of the department of agriculture to inspect dairies, milk plants, creameries, cheese factories, milk-condensing plants, and factories of milk products and all stores, markets, depots, booths, milk rooms, and other places wherein milk or milk products are produced, manufactured, bottled, handled, or processed, or in which milk or any milk product designed or intended for sale for human consumption is kept, stored, or sold, and all wagons, automobiles, carts, and other vehicles by which any milk or milk product is being transported for sale or with intent to sell, and it shall have power to condemn the same when found to be insanitary within the standards and definitions of this act.

SEC. 36. It shall be the duty of the department of agriculture to enforce all laws that now exist or which may hereafter be enacted in this State relating to the production, manufacture, sale, or distribution of milk or milk products, and to inspect all such articles or imitations thereof made or offered for sale within the State which he [it?] may suspect or have reason to suspect to be impure, unhealthy, adulterated, or not in conformity with the standards prescribed by this act, and to prosecute or cause to be prosecuted any person, firm, or corporation engaged in the manufacture, keeping, exposing, or offering for sale, serving, vending, or furnishing any adulterated, counterfeit, or imitation milk product, or of any substitute for or imitation of any milk or milk product, contrary to law.

SEC. 37. The department of agriculture shall conduct tests at any creamery, milk plant, cheese factory, milk-condensing plant, or factory of milk products where there is reason to believe that milk or cream purchased or sold upon any basis of test, weight, or measure is not being tested, weighed, or measured accurately.

SEC. 39. The duties of inspection imposed by this act on the department of agriculture, and all powers and authorities conferred upon said department in connection with any test or inspection of any creamery, dairy, plant, factory, store, depot, booth, market, wagon, automobile, cart, vehicle, or place, or of any milk or milk product or any substitute therefor, or imitation thereof, may be exercised by any commissioner, assistant commissioner, or inspector thereof.

SEC. 40. All persons, firms, or corporations using a thermometer device in connection with the pasteurization of milk or milk products shall preserve and keep on file for a period of not less than two months after being made all records made by such thermometer device or deliver the same to the department of agriculture or to such person as it may direct. Such records shall at all times be open to inspection by the department of agriculture and by the State board of health and by all other State, county, and municipal officers charged by law with the enforcement of laws and ordinances relating to milk or milk products or relating to the public health.

SEC. 41. The department of agriculture shall provide blanks for reporting statistics of the production of milk and milk products. The department shall annually on or before the 1st day of January in each year cause to be mailed to the owners or operators of all creameries, cheese factories, milk plants, milk condensing factories, factories of milk products, and to all milk venders and milk dealers, one or more of such blanks. All such persons shall on or before the 1st day of February next following transmit to said department such blanks properly filled out and signed by such person and showing a full and

accurate report of the amount of milk, cream, butter, cheese, ice cream, ice milk, buttermilk, skimmed milk, or other milk product received, produced, manufactured, or distributed during the year ending on the 31st day of December next previous thereto. The words "milk vender" or "milk dealer" shall mean any person, firm, or corporation who sells, vends, furnishes, or delivers milk, skimmed milk, buttermilk, or cream from more than four cows in or from any store, market, booth, depot, wagon, automobile, cart, or other vehicle or place.

SEC. 42. The department of agriculture is hereby authorized to gather and compile statistics relative to the dairy industry and to the production, manufacture, and sale of milk, cream, butter, cheese, ice cream, ice milk, condensed milk, and other milk products, and to disseminate to the public in such manner as it shall judge most advisable the information contained in all such statistics, and to furnish such other information and do such other things as it shall judge to be for the general good and tend to promote the development of the dairy industry of the State and the healthfulness and purity of the products thereof.

SEC. 43. Any person, firm, or corporation who shall fail or refuse to keep any record or to make and return any report or statement required by this act to be kept or made, or who shall fail or refuse to make and return any such report or statement within the times limited by this act, and any person, firm, or corporation who shall refuse to permit the examination of any such record by the department of agriculture, or by any officer, agent, or inspector thereof, or milk inspector of any city, or any health officer of the State, or any city, county, or town therein, shall be deemed to be guilty of a violation of this act.

SEC. 44. No oleomargarine, substitute butter, renovated butter, or any other substance designed as an imitation of or substitute for butter, or any condensed milk from which the butter fat has been removed and a vegetable or other oil has been substituted therefor, shall be used in any of the charitable, hospital, medical, reformatory, or penal institutions maintained by the State or which receives from the State any money, appropriation, or financial assistance whatsoever.

SEC. 45. No person, firm, or corporation shall use in connection with the offering or exposing for sale, serving, furnishing, or delivering of any milk from which the butter fat has been removed and a vegetable or other oil has been substituted therefor, oleomargarine, substitute butter, or other substance designed as a substitute for or imitation of butter, or in any advertisement or sign or card relating to such oleomargarine, substitute butter, or other substance the words "butter," "creamery," "dairy," or "butterine," or any representation, picture, or likeness of any cow or cow kind.

SEC. 46. Every person, firm, or corporation who shall manufacture any imitation cheese or any substitute for cheese shall at the place of manufacture, before removing such imitation cheese or substitute therefrom, distinctly and durably brand such cheese with the words "imitation cheese" and the name and address of the manufacturer on every box, package, or container in which such imitation cheese or substitute is packed, contained, or designed to be sold. Such name and address and such words shall be printed in letters of plain, uncondensed gothic type and not less than 1 inch in height and in such a manner that said brand can not readily be obliterated. Failure to brand any such imitation cheese or substitute as provided in this section and the selling of any such imitation cheese or substitute not so branded shall constitute a violation of this act on the part of the manufacturer and on the part of every person selling the same with knowledge that the same is not full cream cheese.

SEC. 47. No person, firm, or corporation shall sell, offer, or expose for sale, exchange with, furnish, or deliver to any other person, firm, or corporation for sale for human consumption as or for milk, cream, skimmed milk, condensed milk, or other milk product, any substance, product, or compound whatsoever which shall not conform to the standards for such milk or milk product as set forth in this act.

SEC. 48. No person, firm, or corporation shall sell, expose, or offer for sale, or exchange with, present, or deliver to any creamery, milk plant, cheese factory, milk-condensing factory, factory of milk products, or other buyer or consumer of milk or milk products any unclean, unwholesome, adulterated, stale, or impure milk, cream, butter, or other milk product.

SEC. 49. No person, firm, or corporation shall knowingly sell, expose, or offer for sale, present, exchange with, or deliver to any creamery, consumer, milk plant, cheese factory, milk-condensing factory, factory of milk products, or any other buyer or consumer of milk or milk products any milk, or any cream, skimmed milk, buttermilk, butter, ice cream, ice milk, cheese, condensed milk, or other milk product made or manufactured from milk produced from cows affected with any disease, or that was produced within 10 days preceding parturition or within 5 days thereafter: *Provided*, That nothing in this section shall be construed to prohibit the sale of milk or cream from cows which have reacted to a tuberculin test when such cow or cows exhibit no physical symptoms of disease, and such milk or cream is pasteurized or sterilized as required by the provisions of this act and a permit therefor has been obtained from the department of agriculture or from an inspector thereof.

SEC. 50. The use of malted milk or substances conforming to the standards prescribed by this act for malted milk shall not constitute an adulteration, nor shall anything in this act be construed to prevent the sale, furnishing, or serving of malted milk in connection with milk or other milk products, or separately: *Provided*, The same be sold, furnished, or served as and for malted milk and not as pure milk.

SEC. 51. No person, firm, or corporation shall sell, exchange, offer, or expose for sale, furnish, or deliver any milk from which the cream shall have been removed or which does not contain 3.25 per cent milk fat, unless the same be sold, offered, or exposed for sale, furnished, and delivered as and for skimmed milk, nor unless there shall be attached to the outside of any bottle, can, package, vessel, or container in which the same is contained a tag upon which shall be printed in black letters at least 1 inch high the words, "Skimmed milk."

SEC. 52. No owner, keeper, or manager of any hotel, restaurant, boarding house, eating house, or other place where meals are served or sold for compensation, or food is sold to be consumed on the premises, shall sell, serve, or furnish either as a part of or in connection with any meal or food served, sold, or furnished therein, any skimmed milk unless there shall at all times be kept and conspicuously displayed in the room where such meals or food is served, sold, or furnished, and in full view of the public, a durable sign, with the words "Skimmed milk sold here" printed or painted thereon in letters at least 1 inch high.

SEC. 53. All milk shall be cooled in the dairy where it is produced to a temperature of not more than 55° F. within 30 minutes after the same is drawn from the cows, and shall not before being delivered to the milk plant, creamery, cheese factory, factory of milk products, or other place where the same is to be distributed, bottled, pasteurized, or manufactured be permitted to reach a temperature above 60° F., and all such milk shall thereafter be maintained at a

temperature of not exceeding 50° F. until delivered to the consumer: *Provided*, Nothing in this section shall be deemed applicable to milk or cream while being subject to the process of pasteurization: *And provided further*, That milk that is delivered to a milk-condensing factory within three hours after the same is drawn from the cows need not be so cooled or kept at a temperature of less than 60° F.

SEC. 54. No person, firm, or corporation shall bottle any milk, skimmed milk, buttermilk, or cream in the open air, or in or upon any wagon, automobile, cart, or other vehicle, or in any building, structure, or room other than a milk room, creamery, milk plant, or other place where milk is regularly kept and stored and which is kept and maintained in a sanitary condition within the meaning of this act, or transfer the same from one container to another in the open air or upon any such wagon, automobile, cart, or other vehicle.

SEC. 55. All wagons, automobiles, carts, and other vehicles from which milk, skimmed milk, buttermilk, cream, butter, ice cream, or ice milk is sold, marketed, peddled, or delivered shall have the name and address of the owner thereof plainly painted thereon, and on both sides thereof, in letters not less than 8 inches in height and not less than 1½ inches in width.

SEC. 56. No person, firm, or corporation shall remove from any dwelling house or other place in which any contagious or infectious disease exists and which has been quarantined by the health officer of any city, county, or other municipality, any bottles or other containers which have been used for, or which are to be used for containing or storing milk, skimmed milk, buttermilk, cream, ice cream, or ice milk while such dwelling house or place is subject to quarantine, without first obtaining the permission of such health officer.

SEC. 57. No person, firm, or corporation shall sell, exchange, offer or expose for sale as certified milk, cream, or other milk product, or under any name or designation of which the word "certified" is a part, any milk, cream, milk product, or other substance not certified by the health officer of the city or by the health officer or county medical society of the county where the same is produced, manufactured, or sold, according to the rules and regulations demanded by the American Association of Medical Commissions.¹

SEC. 58. No owner, manager, or keeper of any hotel, restaurant, boarding house, eating house, or other place where meals are served for compensation or food is sold to be consumed therein, shall sell, serve, or furnish either as a part of any meal sold, served, or furnished therein, or otherwise, any ice cream, nut ice cream, fruit ice cream, or ice milk, or any substance resembling ice cream or ice milk which does not conform to the standards and requirements prescribed by this act.

SEC. 59. Nothing in this act shall be construed to prevent the use of fresh, wholesome, unsalted butter, and skimmed milk or other dairy product, homogenized or emulsified and used in the place of cream: *Provided*, That the product shall be labeled and sold or served as homogenized cream or emulsified cream, and unless the person served therewith be distinctly informed at the time served of the true nature and character thereof.

SEC. 60. No person, firm, or corporation shall fill any bottle or other commercial container with milk, skimmed milk, buttermilk, cream, ice cream, or ice milk until such bottle or other container has been cleansed and sterilized with live steam or boiling water.

SEC. 61. Every person, firm, or corporation using in the sale, gathering, or distribution of milk, skimmed milk, buttermilk, cream, ice cream, or ice milk,

¹ It is believed the association intended is the American Association of Medical Milk Commissions.

any wagon, automobile, cart, or other vehicle shall, between the 1st day of May and the 30th day of September in each year, have and keep over such wagon, automobile, cart, or other vehicle a covering of canvas, or other material, so arranged and of such quality and thickness as to adequately protect the contents of such wagon, automobile, cart, or other vehicle from the heat of the sun.

SEC. 62. No person, firm, or corporation shall knowingly sell, exchange, or expose or offer for sale, for human consumption any butter, cheese, or condensed milk made or manufactured from any milk which is adulterated within the meaning of this act: *Provided, however,* That nothing in this section shall prevent the use of milk from cows that have reacted to a tuberculin test in the manufacture of butter, cheese, or condensed milk when such cow or cows exhibit no physical symptoms of disease, and such milk is pasteurized or sterilized as required by the provisions of this act and a permit therefor has been obtained from the department of agriculture, or from an inspector thereof: *Provided further,* That the use of rennet, lactic acid, or pepsin in the manufacture of cheese and the use of harmless coloring or flavoring matter shall not be deemed a violation of this section.

SEC. 63. No person, firm, or corporation shall use the words "Washington creamery butter" upon any butter, or imitation thereof, or upon any product, substance, or compound resembling butter, or upon any box, package, wrapper or other container thereof, as a brand, emblem, or trade-mark of such butter, imitation, product, substitute, or compound.

SEC. 64. Every person, firm, or corporation who shall manufacture any cheese shall at the place of manufacture, and before selling or removing such cheese therefrom, distinctly and durably brand such cheese on the bandage of every such cheese and on the box, package, or container in which every such cheese shall be packed or contained, with the name and address of the manufacturer and with the words "full cream cheese," "half skim cheese," "quarter skim cheese," or "skim cheese," according to the percentage of milk fats and milk solids contained in any such cheese and the definitions and standards established by this act. Such name and address and such words shall be printed in letters of plain uncondensed gothic type and not less than 1 inch in height, and in such a manner that such brand can not be readily obliterated or erased. Failure to brand any cheese and the selling of any such cheese not so branded, as provided in this section, shall constitute a violation of this act upon the part of the manufacturer and on the part of every person selling, furnishing, exchanging, or delivering the same with knowledge that same is not full cream cheese: *Provided, however,* That the provisions of this section shall not be construed to apply to cheese commonly known as "Edam," "Pineapple," "Brickstein," "Limburger," "Swiss," or to other handmade cheeses not made by ordinary cheddar process.

SEC. 65. The vending, exposing, or offering for sale, or sale, furnishing, or exchange of any cheese not branded according to the provisions of section 64 of this act shall constitute a representation on the part of the person vending, exposing, selling, furnishing, exchanging, or offering such article or product that the same is full cream cheese conforming to the standards of this act.

SEC. 66. No person, firm, or corporation shall manufacture, sell, offer, or expose for sale, furnish, serve, or deliver to any other person, firm, or corporation for human consumption any milk, cream, butter, cheese, ice cream, ice milk, condensed milk, or other milk product which is adulterated within the meaning and intent of this act, or which shall have been prepared from any milk or milk product that shall be or shall have been adulterated within the intent and meaning of this act.

SEC. 67. All milk and milk products which do not conform to the definitions and standards set forth in section 1 of this act shall be deemed to be adulterated within the intent and meaning of this act.

SEC. 68. No persons, firm, or corporation shall add to any milk, cream, or condensed milk any gelatine, gum, or other substance for the purpose of increasing the apparent richness of such milk, cream, or condensed milk: *Provided, however,* That nothing in this act shall be construed as prohibiting the use of harmless coloring matter and common salt (sodium chloride) in butter or cheese, or the use of harmless coloring and flavoring matter in ice cream and ice milk, nor the use of rennet, lactic acid, or pepsin in the process of manufacturing cheese.

SEC. 69. All milk, skimmed milk, buttermilk, or cream which is reduced, altered, or changed in any respect by the addition of water or other substance shall be deemed to be adulterated within the meaning of this act.

SEC. 70. Any milk which shall not be free from foreign substances, coloring matter, or preservatives, pathogenic bacteria or germs, pus cells, or blood cells, or which contains more than 400,000 bacteria or germs of all kinds to the cubic centimeter or which has been infected by or exposed to any contagious or infectious disease, shall be deemed to be impure, unwholesome, and adulterated within the meaning of this act.

SEC. 71. No person, firm, or corporation shall use the word "pasteurized," or any derivative thereof, in connection with the sale, designation, advertising, labeling, billing, or offering for sale of any milk, cream, skimmed milk, ice cream, ice milk, butter, buttermilk, cheese, or other milk products unless the same and all products of milk therein contained or used in the manufacture thereof shall consist exclusively of milk, skimmed milk, or cream which has been treated by the process of pasteurization as defined in section 11 of this act.

SEC. 72. No person shall efface, erase, cancel, obliterate, or remove any mark, tag, label, sign, brand, word, or lettering, or other designation required by this act, with intent thereby to mislead, defraud, or deceive, or for the purpose of concealing the true character of composition of any product, substance, or compound, or for the purpose of violating any of the provisions of this act.

SEC. 73. No person, firm, or corporation shall bottle any milk, skimmed milk, or cream designed or intended for sale within any city of either the first or second class, or transfer such milk, skimmed milk, or cream from any can, bottle, or container to any other can, bottle, or container, in any place, building, or structure not a milk room, milk plant, creamery, or other place used exclusively for bottling, handling, storing, or processing milk. Such milk room, milk plant, creamery, or other place shall be a room or place used exclusively for bottling, handling, storing, or processing milk, cream, or other milk products and shall not be used for any other purpose whatsoever, and shall not be located in or be a part of any residence, dwelling house, barn, or poultry house, and if contained in any building or structure in which any trade, business, or occupation other than that of bottling, handling, storing, or processing milk is conducted or carried on, such milk room, milk plant, creamery, or other place shall be separated from the portion or portions of such building or structure in which such other trade, occupation, or business is carried on, by a tightly celled or plastered partition constructed in such a manner as to meet with the approval of and comply with the regulations of the department of agriculture. Every such milk room, milk plant, creamery, or place shall be provided with suitable windows or other openings permitting the entrance of light and air from outside such building or structure without passing through any other portion thereof, and such milk room or other place shall be otherwise constructed,

kept, and maintained in a sanitary condition and manner within the intent and meaning of section 3 of this act.

SEC. 74. No person, firm, or corporation shall fill any bottle or other container with milk, skimmed milk, buttermilk, cream, ice cream, or ice milk designed for sale or intended to be sold in any city of either the first, second, or third class until such bottle or other container has been cleansed and sterilized with live steam or boiling water.

SEC. 75. It shall be the duty of the department of agriculture to enforce the provisions of this act, and said department is hereby empowered and authorized to make, issue, and promulgate from time to time such rules and regulations to carry out the provisions of this act for the enforcement thereof and for the regulation and management of dairies, creameries, milk plants, cheese factories, condensed-milk factories, and other factories of milk products, and for the regulations [sic] of the sale, serving, vending, and delivery of milk, cream, butter, cheese, ice cream, ice milk, and other milk products, and for the issuing, granting, and revocation of licenses, as it shall deem necessary.

SEC. 76. No person, firm, or corporation shall interfere with, prevent, hinder, or obstruct any officer, agent, or inspector of the department of agriculture, or any officer or inspector of the State board of health, or of any city or county within such city or county, in the discharge of his or her duty, or from entering any place which such officer, agent, or inspector is entitled by law to enter, or from making any inspection and examination of any such place or any article, substance, or compound found therein or from taking and removing such sample of any such article, compound, or substance as such officer, agent, or inspector shall deem necessary to be taken, or from examining any book or record required by the provisions of this act to be kept in any such place, or to be open for the inspection of such department, or from making and removing copies thereof.

SEC. 77. Any person who shall violate or fail to comply with the provisions of this act, or any section or provision or part of a section or provision thereof, shall, unless otherwise herein provided, be guilty of a misdemeanor.

SEC. 78. It shall be the duty of the prosecuting attorney of each and every county in this State, upon application of the department of agriculture or of any officer, agent, or inspector thereof, to attend to the prosecution in the behalf of the State of Washington of any and all persons whom he shall have reason to believe to have been guilty of any violation of this act in such county.

SEC. 79. Any superior court of this State and any municipal court or justice of the peace shall have jurisdiction of all prosecutions and all proceedings for forfeiture and sale arising under this act.

SEC. 80. No two or more persons, companies, or corporations shall by agreement or understanding, tacitly or otherwise, fix or attempt to fix the price at which butter, cheese, milk, or other products herein mentioned shall be bought or sold: *Provided*, This shall not apply to ordinary purchases or sales between buyer and seller.

SEC. 81. It shall be the duty of the attorney general of the State, and of the prosecuting attorney in any county, when called upon by the department of agriculture, to render any legal assistance in his power to execute the laws and prosecute violations of this act: *Provided, however*, That the department of agriculture may employ special counsel when necessary.

SEC. 82. One-half of all fines collected from prosecutions under the provisions of this chapter shall be paid forthwith to the State treasurer and be placed to the credit of the general fund, and the remainder shall be forthwith paid into the treasury of the county in which the conviction is had.

SEC. 83. It is hereby declared that this act is enacted as an exercise of the police power of the State of Washington for the preservation of the public health and each and every section thereof shall be construed as having been intended to effect such purpose and not as having been intended to affect any regulation or restraint of commerce between the several States which may by the Constitution of the United States of America have been reserved to the Congress thereof.

SEC. 84. The invalidity or unconstitutionality of any section or part of a section of this act shall not affect the act as a whole, or any other section or part of a section thereof.

SEC. 85. Nothing in this act shall be construed as modifying, altering, or repealing chapter 101 of the laws of 1915, or any section, part, or provision thereof, except as provided in sections 86 and 87.

SEC. 88. Nothing in this act shall be construed as affecting or being intended to effect a repeal of sections 5449 to 5466, both inclusive, of Remington & Ballinger's Annotated Codes and Statutes of Washington, or of any of such sections, or of any part or provision of any such sections, and if any section or part of a section in this act shall be found to contain, cover, or affect any matter, topic, or thing which is also contained in, covered in, or effected by said sections, or by any of them, or by any part thereof, the prohibitions, mandates, directions, and regulations hereof, and the penalties, powers, and duties herein prescribed shall be construed to be additional to those prescribed in such sections and not in substitution therefor. And nothing in this act shall be construed to forbid the importation, transportation, manufacture, sale, or possession of any article of food which is not prohibited from interstate commerce by the laws of the United States or rules or regulations lawfully made thereunder, if there be a standard of quality, purity, and strength therefor authorized by any law of this State, and such article comply therewith and be not misbranded.

SEC. 89. That section 1 of chapter 100² of the laws of 1915 be amended to read as follows:

SECTION 1. On the written application of the owner of any bovine animal to the commissioner of agriculture for the examination and testing of such animal to ascertain whether the same is infected with tuberculosis, it shall be the duty of the commissioner of agriculture to cause such examination and test to be made. The inspector of the department of agriculture making the examination and test shall be a veterinarian duly licensed to practice veterinary medicine, surgery, and dentistry in this State, and shall qualify by giving a bond to the State of Washington with sufficient surety to be approved by the commissioner of agriculture in the penal sum of \$2,000: *Provided*, That veterinary inspectors of the United States Bureau of Animal Industry may be appointed by the commissioner of agriculture to make the examination and tuberculin test as herein provided, and when so employed they shall act without bond or compensation, and shall possess the same power and authority in this State as the inspector of the department of agriculture.

SEC. 90. That section 2 of chapter 100 of the laws of 1915 be amended to read as follows:

SEC. 2. On such examination and test being completed, if the inspector shall believe that the animal is infected with tuberculosis, the owner of the animal shall have the option of indemnity or quarantine; if he selects indemnity, the owner and inspector shall appraise the value of the suspected animal, and in the appraisal of such animal due consideration shall be given to its breeding,

² Pub. Health Repts. Reprint 338, p. 549.

dairy, or meat value. In the event of their failing to agree upon the value they shall call upon the county agricultural agent of the county in which the animal was tested to decide the matter, or in case there be no county agricultural agent in the county the inspector shall apply to the judge of the superior court of the county where the animal or animals are located to appoint a third appraiser. Each owner or agent of tuberculous cattle which have been appraised shall market the cattle within 30 days from date of appraisal and shall obtain from the purchaser a report in triplicate, blank forms for which shall be furnished said owner or agent by the inspector of the department of agriculture, certifying as to the amount of money actually paid for the animals. The animal or animals shall be slaughtered under the supervision of a veterinary inspector of the department of agriculture or the United States Bureau of Animal Industry, or a veterinarian duly licensed to practice veterinary medicine, surgery, and dentistry in this State. The veterinary inspector or veterinarian shall hold a post-mortem examination and determine whether or not the animal shall be passed to be used for food. The post-mortem examination must conform with the meat-inspection regulations of the United States Bureau of Animal Industry. Upon the receipt of said report, in triplicate, certifying as to the amount of money actually paid for the animal or animals, and if the owner has complied with all lawful quarantine laws or regulations, the department of agriculture shall cause to be paid to the owner of the animal or animals one-third of the difference between the appraised value of each animal so destroyed and the value of the salvage thereof: *Provided*, That in no case shall any payment by the department of agriculture be more than \$25 for any grade animal or more than \$50 for any pure-bred animal. Every county agricultural agent who shall act as an appraiser, as hereinabove provided, shall receive his actual necessary traveling expenses in going to and returning from the place of appraisal, and every appraiser appointed by the judge of the superior court shall receive his actual and necessary traveling expenses and a per diem of \$3 for the time actually spent, to be paid by the State: *And provided further*, That the State shall not be required to pay the owner of any animal imported into this State within six months prior to the inspection and test the sums hereinabove provided for, but the owner of such animal shall receive the proceeds of the sale of such slaughtered animal: *And provided further*, That the right to indemnify shall not exist, nor shall payment be made for any animal owned by the United States, this State, or any county, city or village in this State: *And provided further*, That the expense of herding, caring for, feeding, and transporting or slaughtering all animals under these provisions shall be paid by the owner thereof.

SEC. 91. That section 3213 of Remington and Ballinger's Code be and the same is hereby repealed.

SEC. 92. Sections 2512 to 2515, both inclusive, 5446, 5446a to 5446e, both inclusive, 5446g, 5447, 5447a, 5447d, 5448a, 5448c, 5448i, and 5448l of Remington and Ballinger's Annotated Codes and Statutes of Washington are hereby repealed.

Bakeries—Drainage, Plumbing, and Ventilation—Use of Cellars or Basements as, Regulated. (Ch. 206, Act Mar. 25, 1919.)

SECTION 1. That section 5482 of Rem. and Bal. Code be amended to read as follows:

SEC. 5482. All buildings or rooms occupied as biscuit, bread, or cake bakeries shall be drained or plumbed in a manner conducive to the proper healthful and sanitary condition thereof and constructed with air shafts and windows or ventilating pipes sufficient to insure ventilation as the commissioner of labor shall

direct, and no cellar or basement not used as a bakery on the 30th day of January, 1919, shall thereafter be used and occupied as a bakery, and a cellar or basement theretofore occupied as a bakery shall, when once closed, not be reopened for use as a bakery.

Imported Eggs—Marking of, When Offered for Sale. (Ch. 120, Act Mar. 14, 1919.)

SECTION 1. All eggs imported from foreign countries and offered for sale in the State of Washington shall be sold as such. Each egg offered for sale in this State shall be marked, branded, or stamped with the name of the country in which it was produced, and such mark shall be in legible gothic letters and in durable, indelible ink.

SEC. 2. Broken eggs or eggs offered for sale in other than the original form shall be marked or branded as in section 1, except that such mark or brand shall be stenciled on the can, container, and cover or covers in letters 2 inches high in black-face type, and in durable ink or paint, and the words "eggs from" shall prefix the mark or brand, and such words shall be in similar type and ink or paint.

SEC. 3. The State commissioner of agriculture shall make all necessary rules and regulations to carry this act into effect; such rules and regulations shall be filed in the office of the State commissioner of agriculture and shall be in effect 30 days after such filing.

SEC. 4. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and in case of second or subsequent offense shall be guilty of a gross misdemeanor.

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WEST VIRGINIA.

Influenza—Made Reportable. (Res. Dept. of H., Jan. 8, 1919.)

That hereafter "Influenza" shall be made reportable, and that this disease be added to the list of reportable diseases.

Ophthalmia Neonatorum—Reports of Cases—Preventive Treatment—Duties of Local and State Health Authorities. (Ch. 125, Act Feb. 20, 1919.)

SECTION 1. That any inflammation, swelling, or unusual redness in either one or both eyes of any infant, either apart from or together with any unnatural discharge from the eye or eyes of such infant, independent of the nature of the infection, if any, occurring at any time within two weeks after the birth of such infant, shall be known as "inflammation of the eyes of the new born" (ophthalmia neonatorum).

SEC. 2. It shall be the duty of any physician, surgeon, obstetrician, midwife, nurse, maternity home, or hospital of any nature, parent, relative, and persons attendant on or assisting in any way whatsoever any infant or the mother of any infant at childbirth, or any time within two weeks after childbirth, knowing the condition hereinabove defined to exist, immediately to report such fact in writing to the local health officer of the county, city, town, magisterial district, or whatever other political division there may be within which the infant or the mother of any infant may reside. In the event of there being no health officer in the county, city, or town in which the infant resides, midwives shall immediately report conditions to some qualified practitioner of medicine and thereupon withdraw from the case except as they may act under the physician's instructions. On receipt of such report the health officer, or the physician notified by a midwife where no health officer exists, shall immediately give to the parents or persons having charge of such infant a warning of the dangers to the eye or eyes of said infant, and shall for indigent cases provide the necessary treatment at the expense of said county, city, or town.

SEC. 3. It shall be unlawful for any physician, or midwife practicing midwifery, to neglect, or otherwise fail, to instill, or have instilled immediately upon its birth in the eyes of the new-born babe one or two drops of a 1 per cent solution of silver nitrate furnished by the public health council.

SEC. 4. Every physician or midwife shall, in making a report of a birth, state whether or not the above solution was instilled into the eyes of said infant.

SEC. 5. It shall be the duty of the local health officer:

(1) To investigate, or have investigated, each case as filed with him in pursuance of the law, and any other cases as may come to his attention.

(2) To report all cases of inflammation of the eyes of the new born, and the result of all such investigations as the public health council shall direct.

(3) To conform to such other rules and regulations as the public health council shall promulgate for his further guidance.

SEC. 6. It shall be the duty of the public health council:

(1) To enforce the provisions of this act.

(2) To promulgate such rules and regulations as shall, under this act, be necessary for the purpose of this act, and such as the public health council may deem necessary for the further and proper guidance of local health officers.

(3) To provide for the gratuitous distribution of one per cent solution of silver nitrate outfits, together with proper directions for the use and administration thereof, to all physicians and midwives as may be engaged in the practice of obstetrics, or assisting at childbirth.

(4) To publish and promulgate such further advice and information concerning the dangers of inflammation of the eyes of the new born as is necessary for prompt and effective treatment.

(5) To furnish copies of this law to all physicians and midwives as may be engaged in the practice of obstetrics, or assisting at childbirth.

(6) To keep a proper record of any and all cases of inflammation of the eyes of the new born as shall be filed in the office of the public health council in pursuance of this law, and as may come to their attention in any way, and to constitute such records a part of the annual report to the governor.

(7) To report any and all violations of this act as may come to their attention to the prosecuting attorney of the county wherein said misdemeanor may have been committed, and to assist said official in any way possible as by securing necessary evidence, etc.

(8) To furnish birth certificates which shall include the question: "Did you instill in each eye of the infant a 1 per cent solution of nitrate of silver immediately after birth?"

SEC. 7. It shall be the duty of the clerk of the county court of each county on or before the 15th day of each month to certify to the prosecuting attorney of his county all reports of births filed during the preceding calendar month which fail to show that the solution hereinbefore provided for was instilled.

SEC. 8. Whoever being a physician, surgeon, midwife, obstetrician, nurse, manager or person in charge of a maternity home or hospital, parent, relative, or person attending upon or assisting at the birth of an infant, violates any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum of not less than \$10 or more than \$50.

Venereal Diseases and Other Sexual Ailments—Advertisements Concerning Prohibited. (Ch. 73, Act Feb. 22, 1919.)

SECTION 1. Whoever publishes, delivers, or distributes or causes to be published, delivered, or distributed in any manner whatsoever in the State of West Virginia an advertisement concerning a venereal disease, lost manhood, lost vitality, impotency, sexual weakness, seminal emissions, varicocele, self-abuse, or excessive sexual indulgence and calling attention to a medicine, article, or preparation that may be used therefor, or to a person or persons from whom or an office or place at which information, treatment, or advice relating to such disease, infirmity, habit, or condition may be obtained, is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$100 nor more than \$300, or imprisonment in the county jail nor to exceed six months, or both, in the discretion of the court.

SEC. 2. Nothing in this act shall be construed as to prevent legitimate and legal public notices, placards, etc., issued under the direction of the State health department or as to prevent sending out literature by either the State department of health or the United States Public Health Service.

SEC. 3. A justice of the peace shall have jurisdiction to try persons charged with the violation of this act.

Diphtheria Antitoxin—Furnishing of, Free of Charge by State to Counties for Use in Indigent Cases. (Ch. 10, Act 1919.)

SECTION 1. That the State of West Virginia shall purchase and furnish free of charge to each county within the State a sufficient supply of diphtheria antitoxin to the indigent poor, the amount of which shall be determined by the county health officer of each county, and deposited in such drug stores, or any other store within said county as said county health officer may designate, and such antitoxin shall be kept at said drug stores, or any other store, at all times, and in sufficient quantities to be delivered to any licensed physician by said drug stores, or any other store, and by said physicians to be used upon persons infected with diphtheria, or to prevent the same, without cost to the patient so treated.

SEC. 2. The antitoxin mentioned in the preceding section shall be bought by the State commissioner of health and by him distributed to the various drug stores, or any other store designated by the county health officer of the various counties of this State, and such county health officers shall designate such drug stores, or any other store as they may think proper as depositories for antitoxin, and the State commissioner of health shall deliver to the drug stores, or any other store aforesaid, so named as depositories, so much antitoxin as may be reasonably necessary for use in each of said counties for the purposes aforesaid, and take a receipt from the proprietor of such drug stores, or any other store, for the same. And the auditor of the State shall pay the actual cost of such antitoxin, and the cost of delivery of the same to such drug stores, or any other store, upon the presentation of the original invoices thereof, duly verified by affidavit, and approved by the State health commissioner, and shall in addition thereto pay to the drug stores, or any other store for delivery of the same to the physicians aforesaid, 10 per cent commission of the original cost of said antitoxin so delivered to the physicians aforesaid. And the legislature at each session thereof shall make appropriations for the payment of said antitoxin and the commissions thereon.

Pupils—Medical and Dental Inspection—Protection from Communicable Diseases. School Nurses—Employment. School Teachers—Health Certificates May be Required from. Communicable Diseases—School Attendance. (Ch. 2, Act Feb. 25, 1919.)

SEC. 64. *Medical inspection and school nurses.*—Boards of education of independent school districts shall, and boards of education of districts may, employ proper medical and dental inspection of all pupils attending the schools of their districts.

Boards of education of districts and independent districts shall also have authority to employ school nurses and to take any other action necessary to protect the pupils from contagious and infectious diseases, including the authority to require from teachers employed in their districts certificates of good health and of physical fitness for the work of instruction in the schools.

SEC. 87. *Teacher's authority.*— * * * Subject to the rules of the State board of education, the teacher of a school, or the principal of a graded or high school, shall exclude from the school any pupil or pupils known to have, or suspected of having, any contagious or infectious disease, or any pupil or pupils who have been exposed to such disease, and shall immediately notify the proper health officer or medical inspector of such exclusion; and any pupil

so excluded shall not be readmitted to the school by the teacher or principal thereof until such pupil has complied with all the requirements of said rules governing such cases, or has presented a certificate of health signed by the medical inspector or other proper health officer. * * *

State Commissioner of Health—Appointment, Salary, Powers, and Duties.

State Department of Health—Powers and Duties—Divisions. Public Health Council—Powers and Duties. Full-Time County or City Health Officers—Appointment Authorized—Duties. City Health Officers—Appointment. County Health Officers—Appointment and Salary. County Boards of Health—How Constituted—Powers. Communicable Diseases—Reports of Cases. Water Supply, Drainage, or Sewerage Systems—Plans—Establishment. (Ch. 96, Act Feb. 21, 1919.)

That subsection 2 of section 1, subsection 5 of section 1, section 2, and section 6 of chapter 150 of Barnes's Code of 1916 be amended and reenacted, and that the section 3a and section 6a be added to said chapter 150, all to read as follows:

Subsection (2). *Commissioner of health.*—The commissioner shall be appointed by the governor, by and with the consent of the senate, and shall be a physician skilled in sanitary science and experienced in public health administration. The term of office of the commissioner of health shall be four years; he shall after the 1st day of July, 1919, receive an annual salary of \$4,800 and actual expenses incurred in the performance of official business, which salary shall be in full for all services. The commissioner of health shall be the administrative head of the State department of health and he shall be ex officio a member of its public health council. His duties shall be to administer the laws and regulations of the department; to prepare rules and regulations for the consideration of the public health council; and, with the approval of said council, to appoint, remove, and fix the compensation of the directors of divisions and all other employees; but said compensation shall be within the limitations of appropriation therefor; to advise with the public health council, keep himself informed as to the work of each local health officer within the State; aid each health officer in the performance of his duties; assist each local health officer in making an annual sanitary survey of the territory within its jurisdiction and in maintaining therein a continuous sanitary supervision; adjust questions of jurisdiction arising between local health officers within the State; study the cause of excessive mortality or morbidity from any disease in any portion of the State; promote efficient registration of births, deaths, and notifiable diseases; inspect and report from time to time the sanitary condition of institutions, schools and schoolhouses, public conveyances, dairies, creameries, slaughterhouses, workshops, factories, labor camps, hotels, and places where offensive trades or industries are conducted; inspect and report the sanitary condition of streams, sources of water supply, and sewerage facilities; endeavor to enlist the cooperation of all physicians and volunteer health organizations in the improvement of public health; promulgate information to the general public in all matters pertaining to the public health. He shall perform all executive duties now required by law of the State board of health and other customary duties incident to his position as chief executive officer and shall provide for offices and equipment necessary for the transaction of the business of the State department of health. He shall submit annually to the governor on or before the 1st day of November, or as soon thereafter as practicable, a report of the operations of the department, with any recommendations he may have to make, which report shall be printed and distributed as soon as prac-

licable thereafter in the same manner as other public documents of the State. The commissioner, whenever required by the governor, shall report to him as to any designated subject or matter and furnish such information as may be required. The commissioner of health may direct any official or employee of the State department of health to assist in the study, control, suppression, and prevention of diseases in any part of the State, and necessary expenses shall be paid while in the performance of such duty.

Subsection (5). *Divisions of department; directors.*—There shall be in the State department of health the following divisions:

Division of preventable diseases;

Division of sanitary engineering;

Division of vital statistics;

Division of public health education and child welfare.

The commissioner of health shall appoint, with the advice of the public health council, a director to take charge of each division, and shall prescribe, with the advice of the public health council, the duties pertaining to each division and arrangement of the subdivisions, if any, thereof.

Sec. 2. *Functions of the department.*—The State department of health shall have the authority to enforce all the laws of the State concerning the public health, and shall take care to protect the life and health of the inhabitants of the State, and to that end shall make or cause to be made sanitary investigations and inquiries respecting the cause of diseases, especially of epidemics and the means of prevention, suppression or control, the source of mortality and the effects of localities, employments, habits, and circumstances of life on the public health, and shall gather information in respect to these matters and kindred subjects for diffusion among the people. It shall inspect and examine food, drinks, and drugs offered for sale or public consumption in such manner as shall be deemed necessary, and shall report all violations of all laws of this State relating to pure food, drink, and drugs to the prosecuting attorney of the county in which such violations occur, and lay before such prosecuting attorney the evidence in its knowledge of such violations. The commissioner of health or any member of the public health council, may make complaint and cause proceedings to be instituted against any person or persons or corporation for a violation of any of the health laws of this State, without the sanction of the prosecuting attorney of the county in which proceedings are instituted, if said officer fail or refuse to discharge his duty, and in no such cases shall they be required to give security for costs.

Whenever the character and location of plumbing, drainage, water supply, sewers, and disposal of sewage, garbage, or other waste materials of cities, towns, and villages, offensive trades, hotels, and labor camps; and the ventilation, warming, natural lighting, and excreta disposal in public utilities, in public halls, churches, schoolhouses, workshops, prisons, and all other public institutions, are such as to endanger the public health, the public health council shall have power to make and enforce rules regulating the same. Whenever in the opinion of the State department of health or the State health commissioner the location or outfall of a sewer constitutes a nuisance or is a menace to public health, the State health commissioner shall have the power to order such changes as may be necessary to secure public comfort or safety. The public health council shall promulgate and recommend regulations, not inconsistent with law, governing the disposal of excreta in coal mines, examine into and advise with the chief of department of mines as to the ventilation of coal mines, and how to treat promptly accidents resulting from poisonous gases. Nothing herein contained shall be construed to give the State

department of health the power to regulate or interfere with the drainage from any mine or manufacturing plant unless the drainage from said mine or manufacturing plant shall contain disease-producing bacteria in sufficient numbers to endanger health. The State department of health is empowered to establish and strictly maintain quarantine at such places as it may deem proper, and forbid and prevent the assembling of the people in any place when the public health council or the State commissioner of health or any county or municipal health officer deems that the public health and safety so demand, and may adopt rules and regulations to obstruct and prevent the introduction or spread of smallpox or other contagious or infectious diseases into or within the State, and shall have the power to enforce these regulations by detention and arrest, if necessary. It shall have power to enter into any town, city, factory, railroad train, steamboat, or other place whatsoever, and enter upon and inspect private property for the purpose of investigating the sanitary and hygienic conditions and the presence of cases of contagious and infectious diseases, and may, at its discretion, take charge of any epidemic or endemic conditions, and enforce such regulations as it may prescribe. All expenses incurred in controlling any endemic or epidemic conditions shall be paid by the county or municipality in which such epidemic occurs.

The State department of health shall provide, at its discretion, vaccine lymph, diphtheria antitoxin, tetanus antitoxin, and other forms of serum or vaccine preventives of disease that it may deem necessary, and distribute same free of charge to county and municipal health officers, to be used for the benefit of the poor and indigent, and in other cases where it may be urgently necessary to check contagions and control epidemics. The commissioner of health or any county or municipal health officer shall inquire into and investigate all nuisances affecting the public health in any county, city, or village in the State, and is authorized and empowered to apply to the judges or to any judge of the circuit court for the county in which such nuisance shall exist, in term or vacation, for an injunction forthwith to restrain, prevent, or abate such nuisances. The public health council shall make regulations to provide clean and safe milk and fresh-milk products, and when promulgated these regulations shall be the minimum requirements to be enforced by local authorities throughout the State.

Sec. 3a. County or municipality may provide full-time health officer.—Any county court or municipal council shall have the power and authority to provide for a full-time health officer and the expenses of his administration, who shall give his entire time to the duties of his employment, and the general health and sanitation of the county or municipality, medical attendance upon the indigent of the county in the infirmary, and perform such duties in relation thereto as may be prescribed by order of the court or ordinance of the municipality duly entered; and may levy a county or municipal tax, as the case may be, for that purpose of not exceeding 3 cents on \$100 valuation as shown by the last assessment for county or municipal taxes.

Sec. 6. County health officer and board; city boards.—It shall be the duty of the public health council, upon the recommendation of the county court of the county, to appoint in each county of this State one legally qualified physician, who shall be known as the county health officer. His first term of office shall begin July 1, 1913, [1919?], and continue for a period of four years, unless removed by said State board of health for good cause. It shall also be the duty of the public health council upon the recommendation of the proper authority of any municipality to appoint in such municipality one health officer, whose term of office shall begin July 1, 1919, and continue for a period of two years,

unless sooner removed by the said municipality or by the public health council. Should the public health council fail to confirm the nomination of the person recommended as county or municipal health officer, or should the public health council or other municipal or county authority remove any such officer, another nomination shall be at once made to the public health council. The county health officer shall receive an official salary of not less than \$100, and such other amount as the county court may add for additional services, and actual expenses necessary for traveling expenses, unless for work especially done under orders of the State board of health. The salary of the county health officer shall be paid out of the treasury of the county, and he, together with the president of the county court and the prosecuting attorney, shall constitute the county board of health, of which the county health officer shall be the executive officer. The county board of health shall exercise all the powers, rules, and regulations of the State board so far as applicable to such county. It shall be the duty of every practicing physician to report to the municipal health officer, where there is such official, immediately on diagnosis, every case of contagious or infectious disease that may arise or come under his treatment within the municipality, and to the county health officer cases occurring outside of the municipality. The health officer receiving such reports shall make to the State health department a weekly report of all such cases, stating the number of each kind of disease reported, the action taken to arrest the infection, and the result. The jurisdiction of the county boards of health shall not extend to any town or city in this State having a health board of its own, but they may be and are auxiliary to each other, and all city, town, and village boards of health, or health officers are secondary to and subject to all orders of the State council, which may, if deemed expedient, act through the county or municipal board. Any failure to comply with any of the provisions of this section shall be considered a misdemeanor, and upon conviction thereof the offender be fined [sic] not more than \$100. (Acts 1882, c-93; 1887, c-64; 1907, regular session, c-66; 1913, c-24.)

SEC. 6a. *State health department to inspect plans for water and sewerage plants.*—Said public health council shall consult with and advise the authorities of cities and towns, and persons having, or about to have, systems of water supply, drainage, or sewerage as to the the most appropriate source of water supply, and the best method of assuring its purity or as to the best method of disposing of their drainage or sewage with reference to the existing and future needs of other cities, towns, or persons which may be affected thereby. It shall also consult with and advise persons engaged or intending to engage in any manufacturing or other business whose drainage or sewerage may tend to pollute any inland water as to the best method of preventing such pollution, and it may conduct experiments to determine the best methods of the purification or disposal of drainage or sewage. No person shall be required to bear the expense of such consultation, advice, or experiments. Cities, towns, and persons shall submit to said public health council for its advice their proposed system of water supply or of the disposal of drainage or sewerage. In this section the term "drainage" means rainfall, surface, and subsoil water only, and "sewage" means domestic and manufacturing filth and refuse. No city, town, or village, and no person, firm, or corporation shall establish any system of drainage, sewerage, or water supply system until the same shall have been approved in writing by the State health commissioner; and any municipality, person, firm, or corporation which shall violate the requirements of this section shall be deemed guilty of a misdemeanor and upon conviction thereof fined not less than \$100, nor more than \$500.

Communicable Diseases of Domestic Animals—Powers and Duties of Commissioner of Agriculture Concerning. Bovine Animals—Examination and Testing for Tuberculosis—Appraisal and Destruction of Infected Animals—Payments to Owners. Domestic Animals—Appraisal and Destruction When Diseased—Payments to Owners. (Ch. 104, Act Feb. 17, 1919.)

That sections 3, 17, and 18 of chapter 13¹ of the acts of 1915, be amended and reenacted so as to read as follows:

Sec. 3. The commissioner may employ such competent and experienced veterinarians as may be necessary from time to time to assist him in discharging the duties imposed upon him by this act; such veterinarians shall be graduates of veterinary colleges recognized by the American Veterinary Medical Association, and to be hereafter known as consulting veterinarians. The commissioner shall have general charge of the enforcement of the provisions of this act, and shall collect and disseminate information and statistics in relation to the diseases of domestic animals, the proper care and sanitation of stables and other buildings used for stabling of farm animals for the purpose of preventing the existence and spread of infectious and contagious diseases. For any services rendered under the provisions of this act, the consulting veterinarians shall receive a per diem of not exceeding \$10 and actual expenses, to be determined by the commissioner, while engaged in carrying out the directions of the commissioner, which expenses shall be paid out of the current appropriation made for the enforcement of this act.

Sec. 17. The commissioner or his agent or the inspectors of the United States Bureau of Animal Industry shall possess authority to test with tuberculin any bovine animal kept within the State, subject to such rules and regulations as the commissioner may prescribe. And the commissioner of agriculture, whenever in his judgment the dairy or pure-bred live-stock interests of the State will be promoted and advanced thereby, may refuse to accept certificates of pure-bred animals for admission into the State for breeding or dairy purposes, except such animals as are certified from pure-bred herds in other States which are certified and accredited herds as free from tuberculosis under the rules and regulations of United States Bureau of Animal Industry. The tuberculin test shall be applied to bovine animals at such times as may be designated by the commissioner as may be necessary in the control and eradication of bovine tuberculosis in this State, and all cows whose milk is sold for human consumption or manufacture and all uncastrated beef animals, shall be tested with tuberculin in so far as may be possible. When such bovine animal is found by the officer making the test to give what the commissioner shall have prescribed by his rules and regulations to be a clearly defined reaction to such test, the said animal shall be considered to be affected with bovine tuberculosis, and shall be marked or branded upon the right side of the neck from 6 to 10 inches back from the jawbone with a capital "T," not less than 2 inches high, 1½ inches wide with mark one-fourth of an inch wide, unless the owner elects as hereinbefore provided to keep the animal in quarantine for eight weeks, when the animal shall again be tested by the commissioner or his agent at the expense of the owner, and if the animal again gives a clearly defined reaction it shall be branded. Any bovine animal affected with advanced or generalized tuberculosis or tuberculosis of the udder may be similarly branded, and such branding shall not be construed as cruelty to animals within the meaning of the penal laws of the State. If such a reacting animal be pure bred and registered or eligible to registry, and the owner

¹ Pub. Health Reports Reprint 338, p. 557.

of such reacting animal shall desire to keep it, such option is allowed, providing the animal does not, in the judgment of the officer making the examination and test, show evidence of physical breakdown, then or any time thereafter, probably due to the disease, and it shall then be the duty of the commissioner or his agent to place such animal in quarantine, and the owner or owners thereof, their agents or employees shall maintain the said animal in quarantine as prescribed by the commissioner or his agents and the product or products of such reacting animal shall be disposed of under such restrictions as the commissioner shall designate.

Except as hereinbefore provided all bovine animals within the State which are deemed tuberculous, either as a result of physical examination or the tuberculin test, shall be slaughtered within a time and at a place designated by the commissioner or his agent, and if the owner of any such tuberculous animal shall desire to secure indemnity therefor, he shall be required by the commissioner before the appraisal and slaughter of the animal to execute an agreement that he will thoroughly clean and disinfect all premises that may have been infected by such tuberculous animal in such a manner as the commissioner may prescribe; will have his entire herd of bovine animals tested with tuberculin by the commissioner or his agent at such times as the commissioner may designate, and will not admit to his herd any bovine animal that has not given a negative reaction to the tuberculin test. Such an agreement shall be in duplicate, one copy to be retained by the signer, and in such form as the commissioner shall designate, and shall be signed by the owner or owners or their agents, and shall be in effect for a period of two years from the date thereof. All such tuberculous animals shall be appraised before being slaughtered, the owners to be indemnified, as hereinafter provided.

The commissioner or his agents shall act as appraisers and shall appraise each tuberculous animal within five days prior to the date of slaughter, basing the amount upon the class and market value of the animal at the time of the appraisal, whether for breeding purposes or whether for milk or meat production. Animals reacting to the tuberculin test but not exhibiting any physical evidence of tuberculosis shall be appraised without considering the presence of a diseased condition, but animals exhibiting any physical evidence of tuberculosis shall be appraised as diseased animals. The amount of appraisal shall not exceed the amount of \$200 for pure-bred registered animals or the sum of \$100 for a grade of [or?] nonregistered animal. If the amount of appraisal of any animal, as determined by the appraiser designated, is not satisfactory to the owner of such animal, written notice of such fact, setting forth the reason for complaint, shall be made to the appraiser at once. The amount of the appraisal shall then be determined by arbitrators, one to be appointed by the appraiser and one by the owner of the animal. If said arbitrators are not able to agree as to the amount of appraisal, a third arbitrator shall be appointed by them, whose decision shall be final. Arbitrators shall be paid \$1 for each appraisement of five or less than five animals and \$2 if more than five animals are appraised. Compensation for the arbitrators appointed by the owner and the third arbitrator, if appointed, shall be paid by the commissioner if the decision made is against the arbitrator appointed by the veterinarian, but if the decision is in favor of such arbitrator the owner shall pay the compensation of the arbitrator appointed by him and the third arbitrator, if appointed.

After such agreement has been executed and appraisal has been made it shall be the duty of the commissioner or his agent to see that the animal is slaughtered and the carcass disposed of in accordance with the meat-inspection regulations

of the United States Bureau of Animal Industry, or in such manner as the commissioner shall prescribe. When the animal is to be slaughtered, as herein provided, the commissioner or his agent shall make and deliver to the owner a certificate which may cover any number of animals belonging to the same owner, showing the age and description of each animal found to be tuberculous, the name and place of test, the mark or brand as tuberculous and any other mark or brand which the animal may bear, the date when and the place to which the animal was sent for slaughter by the veterinarian, the designation of the officer who is to supervise the slaughter, the appraised value of said animal or animals, the name and address of the owner of the animal and the fact that he has executed the agreement hereinbefore provided for. The officer supervising the slaughter shall immediately after the same, indorse upon or add to the foregoing certificate that he has witnessed the slaughter of each of said animals, the place and date thereof, that the number, age, description, and brand or mark corresponding [correspond?] to those given in the certificate of the officer who made the former certificate, and shall state the result of his post-mortem examination, the disposition made of the carcass, and the price received for the same by the veterinarian.

The slaughter may be supervised and certificate thereof may be made by the commissioner or any of his agents or any person possessing the authority of an agent, or an officer of the United States Bureau of Animal Industry. The commissioner may require such other particulars to be added to either of said certificates or the affidavit hereinafter required, and may make and enforce such rules and regulations governing the handling, shipping, and slaughter of such animals as may be deemed necessary.

The owners of such animals shall be indemnified in such amount as shall be determined by the results of post-mortem inspection by the officer supervising the slaughter according to the following rules:

RULE 1. If an animal is found, upon post-mortem inspection, not to be affected with tuberculosis, the carcass and other edible portions shall be passed as food, and the veterinarian shall sell the same, including all accompanying parts, for the best price obtainable, which price shall be paid to the owner and deducted from the amount of appraisal, and the balance, if any, thus remaining shall be paid the owner.

RULE 2. If any animal is found, upon post-mortem inspection, to be affected with tuberculosis, and the lesions are such that the carcass and parts of the carcass are passed for food, the veterinarian shall sell the same, including all accompanying parts, for the best price obtainable, which price shall be paid to the owner and deducted from 80 per cent of the amount of the appraisal, and the balance if any thus remaining shall be paid the owner.

RULE 3. If any animal, upon post-mortem inspection, is condemned for offal, the veterinarian shall sell the hide and offal for the best price obtainable, which price shall be paid to the owner and deducted from 40 per cent of the appraisal, and the balance, if any, thus remaining shall be paid the owner.

After such tuberculous animal shall have been slaughtered, as herein provided for, the veterinarian shall, as soon as possible, forward to the commissioner, who shall, if found to be correct, approve the same and within 30 days file with the county court of the county in which said animals are owned at the time they were condemned as tuberculous, as herein provided, the foregoing certificates, together with the owner's claim for indemnity, and his affidavit that he has thoroughly cleaned and disinfected his premises and complied with the regulations of the commissioner in respect thereto and in respect to the remainder of his herd. If the said county court, upon examination of the certificates filed as aforesaid and of the affidavit of the claimant and any evidence that may be

presented, shall find the claim is regular, and the facts therein set up are true, and that the claimant is entitled to indemnity as herein provided, the county court shall make an order allowing the claimant one-half of the indemnity hereinbefore provided for, which shall be paid upon the order of the county court out of the general funds of the county. The commissioner shall at the end of the fiscal year issue his warrant upon the State auditor in favor of the claimant, for the remaining one-half of the indemnity allowed, which shall be paid out of any moneys appropriated for carrying out the provisions of this act: *Provided*, That at the end of each fiscal year the claimants for such certificates of value shall be paid the same from the current appropriation made for that purpose: *Provided further*, That the amount to be paid on such certificates in any one year shall not exceed the amount appropriated for such purpose, which amount shall be paid pro rata at the end of each fiscal year: *Provided further, however*, That the right to indemnity shall not exist nor shall payment be made in either of the following cases:

1. For animals owned by the United States, this State or any county, city, town or village in this State.

2. For animals brought into this State contrary to the provisions of this act, or where the owner of the animals or person claiming compensation has failed to comply with the provisions of the same.

3. When the owner or claimant at the time of coming into possession of the animal knew or had reason to believe it to be afflicted with a dangerous or contagious disease.

4. When the owner shall have been guilty of negligence or had carelessly exposed such animals to the influence of contagious or infectious disease.

SEC. 18. Whenever, to prevent the spread of any disease mentioned in section 6 of this act, it shall be deemed necessary by the commissioner or any of his agents to cause any domestic animal to be killed, and the owner thereof shall desire to receive indemnity therefor, the owner thereof shall be required to execute an agreement with the commissioner or his agent that he will thoroughly clean and disinfect all premises that may have been infected by such diseased animals in such manner as the commissioner or his agent may prescribe. Such an agreement shall be in duplicate, one copy to be retained by the signer and in such form as the commissioner may designate, and shall be signed by the owner or owners or their agents, and shall be in force for a period of two years from the date thereof. The commissioner or any agent so authorized shall act as appraiser and shall appraise each such diseased animal within five days prior to its slaughter, basing the amount upon the market value of the animal at the time of appraisal. Animals reacting to any approved test for a disease but otherwise apparently healthy shall be appraised without considering the presence of a diseased condition, but animals exhibiting any physical evidence of disease shall be appraised as diseased animals, taking into consideration the condition of the animal as to disease, and the nature and extent of the disease, and its present and probable effect on the animal, and having regard to the probable sums to be derived from the sale of the carcass, hide, and offal. The amount of appraisal shall in no case exceed for a non-registered equine animal the sum of \$75, for a registered equine animal the sum of \$100, for a nonregistered bovine animal \$100, for a registered bovine animal \$200, for a sheep or pig the sum of \$10: *Provided, however*, That in case of an outbreak of foot and mouth disease, or any other dangerously contagious or infectious disease among bovine animals and on account of such disease, bovine animals are being destroyed by order of Federal authority and for which said bovine animals so destroyed, the Federal Government pays one-half the true and actual value according to the appraisement, that the State of West

Virginia pays one-half and only one-half the true and actual value as above stated. If the amount of appraisal of any animal as determined by the appraiser designated is not satisfactory to the owner of such animal, the appraisal may be made by arbitrators as provided in section 17 of this act. After such agreement has been executed and appraisal has been made, it shall be the duty of the commissioner or his agent to see that the animal is killed and the carcass disposed of in accordance with the provisions of this act and the rules of the commissioner. When the animal is to be killed the commissioner or his agent shall make and deliver to the owner a certificate which may cover any number of animals belonging to the same owner, showing the age and description of each animal, the appraised value of said animal or animals, the name and address of the owner of the animal and the fact that he has executed the agreement hereinbefore provided for. At the end of each fiscal year the holders of such certificates of value shall be paid two-thirds of the value of the same from the current appropriations made for carrying out the purposes of this act: *Provided*, That the amount paid on such certificates and those similarly provided for in section 17 of this act in any one year shall not exceed the appropriation made therefor, which amount shall be paid pro rata at the end of each fiscal year on an order signed by the commissioner. When any animal is so killed the owner subject to the regulations of the commissioner may dispose of the whole or any part of the carcass and of the hides and offal in such manner as may not tend to spread disease or affect the health of the public.

Places of Employment—Food Not to be Taken into Any Room where Poisonous Substances or Injurious Dusts or Gases are Present—Seats for Female Employees—Water-Closets—Lavatories—Dressing Rooms. (Ch. 30, Act Feb. 18, 1919.)

That sections * * * 62, 63, * * * 66, and 67 of chapter 15-*h*, of the Code of West Virginia of 1916 be amended, and reenacted, and sections * * * 67-*d*, 67-*e*, and 67-*f*, be added thereto, relating to inspection of factories, mercantile establishments, mills or workshops, same to read as follows:

* * * * *

SEC. 62. No employee shall take or be allowed to take food into any room or apartment in any factory, mercantile establishment, mill, or workshop where white lead, arsenic, or other poisonous substances, or injurious or noxious fumes, dusts, or gases under harmful conditions are present, as the result of the business conducted by such factories, mercantile establishments, mills, or workshops, and notice to this effect shall be posted in each room or apartment. Employees shall not remain in any such room or apartment during the time allowed for meals, and suitable provisions shall be made and maintained by the employer, when practicable, for enabling the employees to take their meals elsewhere in such establishment.

SEC. 63. Every person, firm, or corporation employing females in any factory, mercantile establishment, mill, or workshop in this State shall provide a reasonable number of suitable seats for the use of such female employees, and shall permit the use of such seats by them when they are not necessarily engaged in active duties for which they are employed, and shall permit the use of such seats at all times when such use would not actually and necessarily interfere with the proper discharge of the duties of such employees, and where practicable such seats shall be made a permanent fixture and may be so constructed or adjusted that when seats are not in use they will not obstruct such female employees when engaged in the performance of their duties.

* * * * *

SEC. 66. Every factory, mercantile establishment, mill, or workshop shall be provided with a sufficient number of water-closets, and whenever both male and female persons are employed, said water-closets shall be provided separate and apart for the use of each sex, and plainly marked by which sex they are to be used; and no person or persons shall be allowed to use the closets assigned to the opposite sex; and such water-closets shall be constructed in an approved manner and properly inclosed, and at all times kept in a clean and sanitary condition. The closets, where practicable, shall be located so that they shall have direct ventilation with the outside air; where it is impracticable to locate the closets so as to have direct ventilation with the outside air they shall be placed in an inclosure, and every such closet shall be properly and effectively disinfected and separately ventilated, and shall be properly lighted by artificial light, except when the influx of natural light makes artificial light unnecessary.

SEC. 67. In all factories, mercantile establishments, mills, or workshops adequate washing facilities shall be provided for the employees, where necessary. When the labor performed by the employees is of such a character as to make customary or necessary a change of clothing by the employees, there shall be provided sanitary and suitable dressing room or rooms, and both such dressing rooms and washing facilities shall be separately maintained for each sex.

* * * * *

SEC. 67-d. Any person, firm, or corporation who shall, or any agent, manager, or superintendent of any person, firm, or corporation who, for himself or for such person, firm, or corporation shall violate any of the provisions of this act, or who omits or fails to comply with any of the foregoing requirements of this act, or who disregards any notice of the commissioner of labor or State factory inspector, when said notice is given in accordance with the provisions of this act, or who obstructs or interferes with any examination or investigation being made by the commissioner of labor or a State factory inspector under this act, or any employee in any such factory, mercantile establishment, mill, or workshop who shall remove or interfere with any guard or protective or sanitary device required by the provisions of this act, except as hereinbefore provided, or who shall violate any of the other provisions of this act, where penalties are not otherwise provided, shall be punished for the first offense by a fine of not less than \$10 nor more than \$50, and upon conviction of the second or subsequent offense shall be fined not less than \$25 nor more than \$200. A justice of the peace shall have concurrent jurisdiction with the circuit court and other courts having criminal jurisdiction in his county for the trial of offenses under this act. Those portions of all coal-mining properties and operations now under the supervision of the department of mines are excepted from the provisions of this act.

SEC. 67-e. The commissioner of labor, inspectors, and chief clerk shall make and keep full and proper record of all their expenses and of inspections and statistics as to conditions, changes, and improvements made for the safety and welfare of employees affected by this act, and that the commissioner of labor shall submit a proper report thereof to each biennial session of the legislature.

SEC. 67-f. Sections * * * 62, 63, * * * 66, and 67 of chapter 15-h, of the Code of West Virginia of 1916 be, and they are hereby, repealed.

WISCONSIN.

Communicable Diseases—Reports of Cases. (Ch. 156, Act May 13, 1919.)

SECTION 1. Section 1416-1 of the statutes is amended to read:

SEC. 1416-1. It shall be the duty of every physician to report to the department of health in every town, incorporated village, or city, in writing, within 24 hours, the full name, age, and address of every person treated, visited, or known by such physician to be suffering from any one of the infectious or contagious diseases following, to wit: Measles, smallpox, diphtheria (membranous croup), scarlet fever (scarlatina), influenza (la grippe), typhoid fever, tuberculosis (of any organ), rubella (rotheln), chicken pox, typhus fever, plague, erysipelas, Asiatic cholera, whooping cough, cerebrospinal meningitis, yellow fever, acute anterior poliomyelitis, trachoma, and ophthalmia neonatorum; and it shall be the duty of every person, owner, agent, manager, principal, or superintendent of any public or private institution or dispensary, hotel, boarding or lodging house in any such town, incorporated village, or city to make a report, in like manner and form, of any inmate, occupant, or boarder suffering from any of the said infectious or contagious diseases. It shall also be the duty of every physician to report by number all cases of syphilis and gonorrhea occurring in his practice to the State board of health at such time and in such manner as the State board of health may direct.

Influenza—Reports of Cases—Placarding—Isolation—Quarantine—Attendance at Gatherings—Disinfection—Attendance at Funerals—Restrictions During Epidemic. (Reg. Bd. of H., Oct. 2, 1919.)

RULE 16. *Influenza (la grippe)*.—1. Every physician engaged to treat a case of influenza, or who shall have personal knowledge of any case of said disease, shall within 24 hours thereafter report the same in writing to the local health officer, giving full name, age, and address of the patient. When a physician is not employed the responsible head of the family or the owner, agent, manager, principal, or superintendent of any public or private institution or dispensary, hotel, boarding or lodging house shall report the case to the local health officer. Cases of influenza should be reported to the health officer immediately by telephone.

2. All homes in which there is a case of influenza (la grippe) or pneumonia associated with influenza shall be placarded in a conspicuous place with a red card on which shall be printed the word "Influenza" at least 2 inches in height; all persons having such a disease shall be isolated in the home or hospital, and no person shall be allowed to enter said home or the sick room at the hospital except the attending physician, nurse, members of the health board, and health officer without the permission of the health officer or one of his assistants.

3. All homes shall be placarded by or under the direction of the local health officer, and said placard shall not be removed until at least 4 days after the temperature has registered normal in the last case occurring in such home. (It is not safe for anyone who has had influenza to return to usual vocation for at least 10 days from the time his temperature is normal.)

4. All individuals in the home, except those who are engaged in gainful occupations, shall be prohibited from leaving the premises as long as the home remains placarded. Individuals in the home not afflicted with the disease who are engaged in gainful occupations may be permitted to follow such occupations on the condition that they do not frequent public meetings, churches, schools, theaters, pool rooms, billiard halls, saloons, or any place where people from time to time congregate in considerable numbers. Teachers and such other persons with a gainful occupation or business who, in the opinion of the local board of health, may be dangerous factors in the spread of influenza on account of their associations with large numbers of people shall, when influenza is present in their home, take up their residence in another home free from the disease or be quarantined.

5. After patients have recovered from influenza (la grippe) or pneumonia associated with influenza the house shall be thoroughly aired, the woodwork washed with soap and water or an approved disinfectant; all bed clothing used by the patient shall be boiled or thoroughly cleansed and aired. Aerial fumigation is not required.

6. All police officers shall prevent loitering in public places and shall assist the health officer in the enforcement of all ordinances, rules, and regulations for the protection of the public health when influenza is epidemic in any township, incorporated village, or city.

7. Any person having influenza shall be confined to a large, well-ventilated room of proper temperature as remote from other occupants of the premises as is practicable and necessary to avoid contact.

The period of isolation shall continue during the course of the disease and until all clinical manifestations of the disease have disappeared and the temperature has been normal for four successive days.

None other than the necessary medical and nursing attendants shall enter the sick room or come in contact with the patient.

All discharges from the respiratory tract, mouth, throat, and nose of the patient shall be received in cloths, which shall be burned immediately after using or deposited in vessels containing an approved disinfecting solution.

Soiled body and bed clothing shall be disinfected by boiling or by immersion in an approved disinfecting solution. Any article used by the patient or attendants, such as knives, forks, spoons, glasses, cups, plates, etc., must be disinfected before leaving the sick room. Floors, furniture, and woodwork should be wiped up daily with an approved disinfecting solution.

8. Whenever influenza is epidemic or threatens to become epidemic in the community, visitors shall be excluded from hospitals, asylums, and other similar institutions, except in case of actual emergency, such as impending death, and shall be admitted then only when every precaution is taken to protect the patient, attendants and other inmates, the visitor, and the public.

9. Attendance at funerals in cases of death from influenza, or pneumonia following influenza, shall be limited to members of immediate family and others assisting in the burial rites.

Note.—While there is still some uncertainty as to the nature of the microorganism causing influenza, it is almost certain that the disease is communicable from person to person. The most common manner in which the infection is spread is by the droplets thrown off during sneezing, coughing, or speaking. Other common vehicles for the transmission of influenza and other germ diseases are soiled hands, common drinking cups, roller towels, infected food, and improperly cleaned eating and drinking utensils in establishments dispensing food and drink. Measures directed to the elimination of these conditions, whether compulsory or educative in character, should be instituted.

Information concerning the character and means of preventing influenza should be freely circulated by means of publicly displayed posters, appropriately worded slides in moving-picture houses, conservatively written newspaper articles, or other effective methods.

Diphtheria—Quarantine—Disinfection—School Attendance—Carriers. Scarlet Fever—Quarantine—Removal of Children and Adults from Infected Household—Isolation of Children Removed from Infected Household—Hospitalization—Isolation—Disinfection—School Attendance. (Reg. Bd. of H., Jan. 29, 1919.)

Diphtheria rule.—The rule for the quarantine and control of diphtheria is amended to read as follows:

Patient.—1. Quarantine for patient until two negative cultures, taken not less than 24 hours apart, show the absence of diphtheria bacilli, and disinfection of person, clothing, and premises.

Contacts.—2. Persons exposed to or in the family with the patient must be quarantined. All persons (children and adults) exposed to or in the family with the patient can not be released from quarantine until a culture obtained from both the nose and the throat shows the absence of diphtheria bacilli and after disinfection of person and clothing.

3. Children remaining in the home with a patient under quarantine can not return to school until five days after one negative culture has been obtained from both the nose and throat and the quarantine removed from the home, such culture to be taken at the time the release cultures are taken from the patient.

4. Children exposed to or in the family with the patient may return to school providing one negative culture has been obtained from both the nose and throat and they have taken up their residence elsewhere for five days.

5. Contacts not in the family with the patient may return to school after one negative culture has been obtained from both the nose and throat.

Carriers.—6. By the term "carriers" is meant all individuals from whom a throat culture or a nose culture shows the presence of diphtheria bacilli when no clinical symptoms of the disease are present. All carriers must remain under quarantine until two successive cultures, taken not less than 24 hours apart, show the absence of diphtheria bacilli and after disinfection of person, clothing, and premises.

For chronic carriers (persons who harbor diphtheria bacilli in the nose and throat for a period longer than six weeks) special arrangements for isolation may be made with the State health officer.

7. All cultures taken for the release of cases of diphtheria or diphtheria carriers shall be taken by a representative of the local board of health.

Scarlet fever (scarlatina) rule.—The rule for the quarantine and control of scarlet fever (scarlatina) is amended to read as follows:

Quarantine of the patient for at least 21 days from the beginning of the disease and as much longer as the severity of the case may demand; that is, until mucous membranes of nose and throat are normal, complete desquamation or scaling of the skin of the patient, and disinfection of the patient and premises.

Quarantine of all adults living in the family with or in any way exposed to the patient while the house remains quarantined, unless said adults submit to thorough disinfection of their person and clothing and take up their residence in some other building during the time that said quarantine is maintained.

Children in a family associated with a case of scarlet fever may be removed to a separate building after disinfection of their person and clothing and must be kept in isolation for a period of 10 days or until the symptoms of scarlet fever develop.

When a patient suffering from scarlet fever is removed to an isolation hospital, the premises from which such patient is taken must be thoroughly disinfected, and all children in the same household must be kept in isolation for a period of 10 days from the date on which the afflicted patient was removed from the home.

Isolation of patient and children associated with the patient for 10 days after the removal of quarantine and disinfection of premises.

Children convalescing from scarlet fever must not attend school for at least six weeks from the beginning of the disease. Children who have been associated with the patient suffering from scarlet fever shall not attend school for 10 days after disinfection of premises and removal of quarantine in quarantined home.

Venereal Diseases—Reports of Cases—Treatment—Powers and Duties of State Board of Health—Medicine to be Sold Only on Physician's Prescription—Advertisements in Public Places Prohibited. (Ch. 331, Act June 11, 1919.)

SECTION 1. Subsections 1, 3, 4, and 6 of section 1417*m* of the statutes are amended to read:

(SEC. 1417*m*) 1. Any person afflicted with gonorrhea, chancroid, or syphilis in its infective or communicable stage is hereby declared to be a menace to the public health. Any physician licensed to practice medicine in this State who is called upon to attend or treat any person infected with gonorrhea, chancroid, or syphilis in its communicable stage shall report to the State board of health in writing, at such time and in such manner as said board may direct, the age, sex, and conjugal condition of such person, and the name of the disease with which such person is afflicted. Such report shall be made on blanks furnished by the said board.

3. Any deputy State health officer having knowledge of any known or reasonably suspected case of gonorrhea, chancroid, or syphilis in the infectious or communicable stage for which no treatment is being administered under the supervision of a licensed physician authorized to prescribe drugs shall forthwith report such case to the State board of health in such manner and in such form as in the judgment of said board will best tend to preserve the public health and prevent public knowledge of the identity of such case. Said board shall immediately investigate or cause such case to be investigated, and for such purpose may make or cause to be made such inspections, examinations, quarantines, and disinfections as may be necessary. In making an examination of a female for the purpose of determining the existence of venereal disease a female physician may be secured by said board for such purpose when so requested by the person to be examined.

4. Whenever any person afflicted with gonorrhea, chancroid, or syphilis ceases taking treatment before he or she has reached the stage of the disease where it is no longer communicable, or whenever any person has been informed by a licensed physician that such person is afflicted with gonorrhea, chancroid, or syphilis in the communicable stages and the person so afflicted refuses to take treatment, the physician shall forthwith notify the State board of health, giving the age, sex, and conjugal condition of the person afflicted and the nature of the disease.

The State board of health shall without delay take such steps as shall be necessary to have said person committed to a county or State institution for treatment until such person has reached the stage of the disease where it is no longer communicable, and the person so committed shall not be released from treatment until this stage of the disease is reached, unless other provisions satisfactory to the State board of health are made for suitable treatment.

6. Each county shall make such provisions as may be required by the State board of health to furnish the necessary care and treatment to all indigent persons residing in the county who are afflicted with gonorrhea, chancroid, or syphilis, or to any such person who may be committed to any county institution for failure to comply with this law, until such afflicted persons have passed the infectious or communicable stage of the disease.

SEC. 2. Two new subsections are added to section 1417m of the statutes to read:

(SEC. 1417m) 12. No druggist or other person not a physician licensed under the laws of this State shall give, sell, prescribe, or recommend to any person any drugs, medicine, or other substances to be used for the cure or alleviation of syphilis, gonorrheal infection, or chancroid, or shall compound any drugs or medicine for said purposes from any written or printed formula or order not intended for the person for whom the drugs or medicine are compounded, except on written prescription bearing date and signed by a physician licensed under the laws of the State. Any violation of this section or of subsection 13 of section 1417m shall be punished under the provisions of subsection 11 of section 1417m.

13. It shall be unlawful for any person having the supervision or control of any public place to display or permit to be displayed any sign, poster, advertisement, or prescription to be used in connection with the prevention or treatment of any venereal disease.

Venereal Diseases—Reports of Cases—Instructions and Circular of Information to be Given Patient—Records to be Confidential—Examination, Isolation, Quarantine, and Treatment of Inmates of Charitable or Penal Institutions—Cases Regarded as Communicable Until Certain Requirements Have Been Met—Issuance of Certificates of Freedom from Venereal Diseases—Duties of Health Authorities—Placarding—Quarantine—Examination of Persons Arrested on Certain Charges—Prohibited Occupations.
(Reg. Bd. of H., Jan. 29, 1919.)

RULE 1. The State board of health declares the following venereal diseases, namely, syphilis, gonorrhea, and chancroid, as contagious, infectious, communicable, and dangerous to the public health and reportable to and quarantinable by the health officials as hereinafter provided.

RULE 2. SECTION 1. Any physician who is called upon to attend, treat, or examine any person infected with gonorrhea, syphilis, or chancroid in its communicable stage and any superintendent or manager of a hospital, dispensary, or charitable or penal institution in which there is a case of venereal disease in its communicable stage shall immediately report such case giving serial number of the case, name of disease, conjugal condition, sex, age, color, stage of disease, duration, and the probable source of infection. All such reports shall be made on blanks furnished by the State board of health.

SEC. 2. At the time of the first visit or consultation the physician shall furnish to each person examined or treated by him a numbered circular of information and advice concerning the disease in question furnished by the State board of health for that purpose and instruct the patient in the measures for preventing the spread of such disease and inform him of the necessity for treatment until cured.

SEC. 3. The State board of health shall not divulge the name of the physician or official making such report, and all reports and information concerning venereal diseases shall be inaccessible to the public, except in so far as publicity may attend the performance of the duties imposed by these regulations and by the laws of the State as hereinafter provided.

SEC. 4. It shall be the duty of every superintendent, manager, or physician of any State, county, municipal, charitable or correctional institution, the warden of the State prison, the sheriff and all other keepers of any jail or other penal institution to cause an examination to be made of all inmates suspected of having a venereal disease as specified by the State board of health to determine the presence or absence of a communicable disease, particularly syphilis, gonorrhea, and chancroid, and said examination shall be made by a competent physician satisfactory to the State board of health. Any such person found to be infected with any of the venereal diseases shall be promptly removed to quarters where proper treatment and control can be had and there held until such time as it may be definitely ascertained that such isolation may be terminated without endangering the health of other inmates or the health of the public.

SEC. 5. All legally committed persons infected with a venereal disease which is communicable at the expiration of their term of commitment shall at once be quarantined and treated until their disease shall not be communicable or sign a statement that they will take treatment under the direction of a physician to be named in the statement until the disease is no longer communicable.

SEC. 6. Whenever any person suffering with gonorrhea, syphilis, or chancroid in an infective stage shall fail to return to the physician treating such person for a period of 10 days later than the time next appointed by the physician for such consultation or treatment, and the physician also fails to receive a notification of change of medical adviser as provided in section 7, rule 2, the physician shall then notify the State board of health, giving number, the name of disease, the name and address of the patient, and date of report.

SEC. 7. Whenever any person applies to any physician for treatment for any venereal disease it shall be the duty of said physician to inquire whether such person has received treatment from any physician previously, and in such case the physician last applied to shall immediately advise the physician previously consulted, giving name of patient, nature of disease, and date on which treatment is begun, but in all cases all physicians shall comply with rule 2, sections 1 and 2, whether patient has received previous treatment or not.

RULE 3. SECTION 1. A case of gonorrhea shall be regarded as communicable until the following requirements have been met.

Males.—1. Freedom from discharge.

2. Clear urine, no shreds.

3. The pus expressed from the urethra must be negative for gonococci on two successive examinations at intervals of not less than 48 hours.

Females.—1. No infective vaginal discharge.

2. Two successive negative examinations for gonococci of the secretions of the urethra, vagina, and of the cervix with an interval of at least 48 hours (and repeated for four successive weeks).

To collect these specimens a small cotton swab should be used and from this smears made on glass slides.

The labia should be held apart and a swab applied so as to express any secretions from Skene's or Bartholin's glands, which is then taken up on the swab.

In preparing urethral slides the finger should be inserted in the vagina and expression made on the floor of the urethra from within outward, the cotton-tipped probe being then introduced well into the meatus. In procuring a smear from the cervix a vaginal speculum should be introduced and the cervix well exposed. All secretions should be mopped away from the external os before taking the smear. After the cervix is well dried a probe tightly wound with cotton should be inserted in the cervical canal and rotated several times.

Slides will be furnished free by the State Laboratory of Hygiene, Madison, Wis., on request.

SEC. 2. Cases of syphilis shall be regarded as communicable until all lesions of the skin or mucous membrane are completely healed and a competent clinical examination shows the absence of any area from which infectious matter can be disseminated.

SEC. 3. Cases of chancroid shall be regarded as communicable until all lesions are fully healed.

RULE 4. No physician or health officer shall issue certificates of freedom from any venereal diseases to any person, except an applicant for a marriage license as required by section 2339m of the statutes.

RULE 5. All deputy State health officers, local health officers, and health commissioners shall use every available means to ascertain the existence of all cases of syphilis, gonorrhea, and chancroid within their respective jurisdictions and to ascertain, if possible, the source of such infection. All deputy State health officers and local health officers shall cooperate with the State board of health in the enforcement of these rules and regulations and in carrying out the provisions of section 1417m of the statutes relating to the prevention and control of venereal diseases.

RULE 6. Local health officers and health commissioners shall report to the State board of health each week all cases of venereal diseases reported to them, and all other cases of which they have any knowledge which have not been previously reported.

RULE 7. Whenever a case or suspected case of venereal disease is found on premises where the case can not be properly isolated or controlled and when the infected person will not consent to removal to a hospital or sanatorium where he or she can be properly isolated and controlled during the period of infectiousness, or where such hospital treatment can not be provided and in cases where the patient refuses to continue treatment until the disease is no longer communicable the premises on which he or she continues to reside shall be placarded by the local health officer in the following manner:

"Venereal disease here," printed in black with bold face type not less than 3½ inches in height affixed in a conspicuous place at each outside entrance of the building, house, or flat, as the case may be.

RULE 8. All cases of venereal diseases shall be subject to such control as will assure public safety. All persons are strictly prohibited from entering premises placarded for venereal diseases, and each infected or supposedly infected person residing on premises so placarded is prohibited from leaving such premises excepting with the written permission of the local health officer or the State health officer.

RULE 9. Owing to the prevalence of venereal diseases amongst vagrants, prostitutes, keepers, inmates, employees, and frequenters of houses of ill-fame, prostitution, and assignation, persons guilty of fornication, adultery, lewd and lascivious conduct, and illicit cohabitation are to be considered and are hereby declared to be reasonably suspected of having syphilis, gonorrhea, or chancroid, and no person arrested on such charges shall be released on bail or otherwise

until examined and pronounced free from such venereal diseases as provided by subsection 3 of section 1417*m* of the statutes.

RULE 10. The preparation, manufacture, or handling of milk, milk products, or other foodstuffs by any person afflicted with a communicable venereal disease is strictly prohibited, and persons knowing themselves to be afflicted shall not be employed in any milk products or food manufacturing or food handling establishments.

RULE 11. Persons knowing themselves to be afflicted with a communicable venereal disease shall not be engaged in the care or nursing of children or of the sick, nor shall they engage in any occupation the nature of which is such that their infection may be communicated to other persons.

RULE 12. The parents or guardians of minors acquiring venereal diseases and living with said parents or guardians shall, when notified, be legally responsible for the compliance of such minors with the requirements of these regulations.

Rabies—Dogs in District Under Quarantine for, Not to be Allowed to Run at Large—Killing of Dogs Running at Large. (Ch. 117, Act Apr. 25, 1919.)

SECTION 1. A new subsection is added to section 1492*ab* of the statutes, to read:

SEC. 1492*ab*. 5a. Whenever any district shall be under quarantine for the purpose of controlling or eradicating rabies, no dog shall be allowed to run at large in such district, but all dogs within said territory shall during the quarantine period be kept securely confined or tied or held in leash or muzzled and in the immediate control of the owner or keeper. Any dog not so confined or tied and out of the immediate control of its owner or keeper is hereby declared to be a public nuisance, and any such dog, whether muzzled or not, may be killed by any person, and no person killing or attempting to kill such dog shall thereby incur any liability. It is hereby made the duty of the sheriff and his deputies and every constable, marshal, and policeman, and all other officers having police powers within the quarantine district to actively cooperate in rendering said quarantine effective and for carrying into execution the provisions of this subsection. It is hereby made the duty of every town, city, or village clerk within the quarantine area to promptly post in at least three public places in his town, city, or village such notices of quarantine as may be furnished him by the department of agriculture for posting.

Communicable Disease Isolation Hospitals—Establishment, Conduct, and Maintenance in Counties Having a Population of 30,000 or More. (Ch. 460, Act June 27, 1919.)

SECTION 1. Subdivision (24) of section 670 of the statutes as amended by chapter 43 of the laws of 1919, is amended to read:

(**SEC. 670**) (24) In counties having a population of 30,000 or more to erect, establish and maintain isolation hospitals or places for the care and treatment of all persons afflicted with infectious, contagious, and communicable diseases, requiring isolation and quarantine under the laws of the State, who shall be inmates of the charitable, penal, correctional, and other institutions of said county or who are required to be cared for and treated at the expense of said county; also to provide for the care and treatment therein of all persons so afflicted, who are required to be cared for by the various towns, cities, villages in said counties, under such terms, conditions, rules, and regulations, as to apportionment

of cost of erection of such buildings and places and the expense of care and treatment of such persons afflicted, as may be agreed upon between the county board of supervisors and the common council of such cities and the boards of such villages and towns, and each of such councils and boards are hereby vested with power and authority to enter into such contracts and to appropriate such funds as may be necessary to carry into execution all contracts so made. All isolation hospitals and other places, when so erected or established, shall be conducted under the control and management of the county board of administration of such counties wherein such board of administration has been established in the same manner and to the same extent as institutions now under control of such boards are controlled and managed. And in other counties such isolation hospitals and other places shall be conducted under the control and management of the county board. Any resident of this State not indigent may be received into, treated, and cared for in such isolation hospital or other place upon such terms and conditions and at such rate or pay as may be established and fixed by the board having charge of such isolation hospital or other place: *Provided, however,* That indigent and destitute sick persons shall be cared for and have preference of admission to such hospitals and places.

State Tuberculosis Hospitals and Camp and County Tuberculosis Hospitals—Establishment—Admission and Maintenance of Patients. (Ch. 346, Act June 12, 1919.)

SECTION 1. Chapter 57B of the statutes is renumbered to be chapter 50, tuberculosis sanatoriums.

STATE TUBERCULOSIS INSTITUTIONS.

SEC. 2. Sections 1421-1, 1421-5, 1421-31, 1421-32, and 1421-33 are consolidated and renumbered to be section 50.01, and amended to read:

50.01. *Establishment of State sanatoriums.*—(1) The Wisconsin State Tuberculosis Sanatorium is established for the treatment of persons afflicted with pulmonary tuberculosis, especially in its incipient stages.

(2) The State board of control shall establish an institution, to be located north of the center line of the State, and to be known as the northern State tuberculosis sanatorium, for the treatment of persons afflicted with pulmonary tuberculosis, especially in its incipient and moderately advanced stages. The board shall construct the necessary buildings for such sanatorium on lands owned by the State if in its judgment any such lands will furnish a site which is appropriate and practicable; otherwise said board is authorized to purchase a suitable site at a price of not to exceed \$25 an acre, and erect on such site, and equip such buildings as it deems proper for the purpose of said institution.

SEC. 3. Section 1421-4 is repealed.

SEC. 4. Section 35.27 is amended by inserting in the tabulation, immediately below the line beginning with "Of the State board of control" the following: "Of the Wisconsin State Tuberculosis Sanatorium [1,000]. No page limitation."

SEC. 5. Sections 1421-6 and 1421-7 are consolidated and renumbered to be section 50.02 and amended to read:

50.02. *Admission of patients; medical examination.*—(1) Any person who has resided in this State not less than one year last previous and is affected with pulmonary tuberculosis in the incipient or slightly advanced stage may be admitted to either of said institutions, but preference shall be given to those suffering from the disease in the incipient form. Applicants for admission shall

be given a preliminary medical examination at various places throughout the State, designated by the board of control, as provided in subsection (2).

(2) The board may appoint as medical examiner or examiners of said institutions any reputable physician or physicians having citizenship in Wisconsin, whose duty it shall be to examine all persons applying for admission. The fee of the examining physician shall not exceed \$4 in any case, payable by the applicant; but if the applicant is unable to pay such fee, it shall be paid as provided in section 50.03. The physician's report of such examination shall be forwarded at once to the superintendent of the institution; and thereupon, on notice from the superintendent, the applicant shall be admitted.

SEC. 6. Section 1421-8 is renumbered to be section 50.03 and amended to read:

50.03. *Maintenance charges.*—(1) All patients admitted to the said institutions shall pay the cost of their maintenance, except as otherwise provided in this section; such cost shall be determined by the superintendent and the board of control.

(2) Any indigent patient shall file an application with the county judge of the county within which he has a legal settlement, setting forth the fact that he is unable to pay the maintenance charges. Said judge, upon further presentation of the report of the examining physician, and a statement from the superintendent of the sanatorium that the applicant is eligible and can be received, shall make an investigation in the manner prescribed in subsection (1) of section 46.10, except that in such investigation the term "residence" or its equivalent shall be construed to mean "legal settlement."

(3) The support and maintenance of every patient supported in each said institution at public charge shall be paid by the State; but the State shall charge over, as provided in subsection (2) of section 46.10, to the county in which such patient has his legal settlement the entire cost of his clothing, toilet articles, and medical examination, and one-half the cost of his maintenance in the institution.

(4) Any person who may be unable to pay the full charge for maintenance may be received and maintained without the investigation prescribed in subsection (2), upon payment of the amounts chargeable to the county, if the State board of control after investigation shall have found that the patient has truly represented his circumstances and is unable to pay more than the amount so chargeable.

STATE TUBERCULOSIS CAMP.

SEC. 7. Section 1421-30 is renumbered to be section 50.04 and amended to read:

50.04. *Establishment and operation.*—(1) The State board of control in cooperation with the State conservation commission shall establish and operate a State tuberculosis camp on any State forest reserve lands appropriate therefor which may be designated by said board in which persons who are threatened with or recovering from tuberculosis may be received and cared for.

(2) The State conservation commission shall cooperate with the board of control in the employment of persons received into said camp and shall, so far as practicable, engage any such persons to do necessary work within the State forest reserve; and the college of agriculture is authorized to instruct and aid the patients in said camp in farming and gardening.

(3) The board shall prescribe regulations for admission to and for the administration of such camp not inconsistent with this section.

SEC. 8. Section 1421-34 is renumbered to be section 50.05 and amended to read:

50.05. Admission of patients; maintenance charges.—(1) Any person who is threatened with or recovering from tuberculosis and who shall have been a resident of the State not less than one year may be received into this institution and cared for at the rate determined by the superintendent and board of control to be the cost of maintenance.

(2) Any such person who is unable to pay said rate may, with the approval of the board, be credited for work or service performed in lieu of the payment of a part, not to exceed one-half thereof.

(3) Any such person who is indigent may be admitted pursuant to subsections 2, 3, and 4 of section 50.03, except that the county chargeability shall be determined by his legal residence in the county charged.

SEC. 9. Section 1421-35 is repealed.

COUNTY TUBERCULOSIS INSTITUTIONS.

SEC. 10. Subsections 1 and 3 of section 1421-9 and subsection 2 of section 1421-11 are consolidated and renumbered to be section 50.06 and revised to read:

50.06. Establishment.—Every county may, pursuant to section 46.17, establish a county tuberculosis hospital or sanatorium, for the treatment of persons afflicted with pulmonary tuberculosis. In counties whose population is 250,000 or more such institution shall be governed pursuant to section 46.21. In all other counties it shall be governed pursuant to sections 46.18, 46.19, and 46.20; but the superintendent shall be either a graduate trained nurse or a regular licensed physician, and if a trained nurse is appointed the trustees shall also appoint and fix the compensation of a visiting physician, and may also appoint a business manager other than the superintendent and fix his compensation; and the trustees shall receive the same compensation as is allowed to members of the county board.

SEC. 11. Subsection 1 of section 1421-14 is renumbered to be section 50.07 and amended to read:

50.07. Admission of patients; maintenance charges.—(1) Any person suffering from tuberculosis who shall have been a resident of the State not less than one year may be received into any such county institution and cared for upon payment of a rate which shall not exceed the actual cost of maintenance therein, upon furnishing to the superintendent a certificate of a regularly licensed physician that he is suffering from tuberculosis.

(2) Any such person who is indigent may be admitted and maintained in such institution at the charge of the county in which he has his legal residence, pursuant to subsection (2) of section 50.03, except that the county chargeability shall be determined by his legal residence in the county charged.

(3) Each county maintaining such an institution shall be credited by the State, to be adjusted as provided in section 46.10, for each patient cared for therein at public charge, as follows:

(a) For each such patient whose support is chargeable against said county, such amount of State aid as shall have been appropriated therefor by the legislature.

(b) For each such patient whose support is chargeable against some other county the total cost of his maintenance as determined by the board of trustees of the institution; and the State shall charge over to such other county the difference between such total cost and the amount of State aid so appropriated.

SEC. 12. Sections 1421-12 and 1421-13 are repealed.

SEC. 13. Subsections 2, 3, and 4 of section 1421-14 are repealed.

SEC. 14. Chapters 295, laws of 1885; 238, laws of 1893; 154, laws of 1897; 24, laws of 1899; 200, laws of 1901; 29, 192, and 333, laws of 1905; 93, 113, and 209, laws of 1907; 85, laws of 1909; 44, 69, and 248, laws of 1911; 328, 516, and 544, laws of 1913; and 395, laws of 1915, are repealed.

State Tuberculosis Camp—Establishment and Operation—Certain Lands to be Used for. (Ch. 590, Act July 16, 1919.)

SECTION. 1. Section 50.04 of the statutes is amended to read:

50.04. (1) The State board of control shall establish and operate a State tuberculosis camp, in which persons who are threatened with or recovering from tuberculosis may be received and cared for.

(2) The board shall prescribe regulations for admission to and for the administration of such camp, not inconsistent with this section.

SEC. 2. The commissioners of the public lands are authorized to set over and give possession to the State Board of Control of Wisconsin of the following described lands, for the use of a camp and farm provided for in section 50.04 of the statutes:

Lots 1 and 2 of section 8, township 38 north, of range 7 east; the south half of the northwest quarter and the north half of the southwest quarter of section 10, and the north half of the southeast quarter, and the southwest quarter of the southeast quarter of section 9, in township 38 north, of range 7 east; and lots 3, 4, 5, 6, 7, and 8 of section 9, township 38 north, of range 7 east of the fourth principal meridian; and the said State board of control is given full possession of said lands for a camp and farm.

The said commissioners are hereby authorized to appraise the lands described in the preceding subsection, and to transfer from the appropriation made for the purpose of carrying out the provisions of this section to the school funds the amount that may be due to that fund for such lands.

There is hereby appropriated out of any moneys in the State treasury not otherwise appropriated the sum of not to exceed \$10,000 for the purpose of carrying into effect the provisions of this section.

County Tuberculosis Hospitals—State Aid to. (Ch. 317, Act June 7, 1919.)

SECTION 1. Paragraph (c) of subsection (26) of section 20.17 of the statutes is amended to read:

20.17 (26) (c). For the fiscal year ending June 30, 1920, not to exceed \$210,000, and for the fiscal year ending June 30, 1921, not to exceed \$210,000 for State aid to county tuberculosis institutions, to be credited to taxes, as provided in section 1421-14 of the statutes. Such aid shall be apportioned among the various county institutions in proportion to the number of patients cared for at public expense in each institution during the year ending on the 30th day of June; but no more shall be allowed than \$7 per week per patient for the number of weeks such patient was a resident of such institution.

SEC. 2. This act shall take effect upon July 1, 1919.

County Tuberculosis Hospitals—Establishment Authorized—Operation—Appointment of Officers. Physicians, Midwives, and Undertakers—Registration. (Ch. 679, Act July 29, 1919.)

SEC. 38. Section 50.06 is amended to read:

50.06. Every county may, pursuant to section 46.17, establish a county tuberculosis hospital or sanatorium for the treatment of persons afflicted with pulmonary tuberculosis. In counties whose population is 250,000 or more such insti-

tution shall be governed pursuant to section 46.21. In all other counties it shall be governed pursuant to sections 46.18, 46.19, and 46.20; but the superintendent shall be either a graduate trained nurse or a regular licensed physician; and if a trained nurse is appointed, the trustees shall also appoint and fix the compensation of a visiting physician, and may also appoint and fix the compensation of a business manager other than the superintendent and a director of occupational therapy, the latter of whom may be employed on a part-time basis jointly with other county or State institutions; and the trustees shall receive the same compensation as is allowed to members of the county board.

* * * * *

SEC. 50. Section 1022-19 of the statutes is amended to read:

SEC. 1022-19. *Registration; physicians, midwives, undertakers.*—Each physician, midwife, and undertaker shall, before acting or practicing as such in any district, register his or her name, address, and occupation with the local registrar of the district in which he or she resides or may thereafter establish a residence, and shall thereupon be supplied by the local registrar with a copy of this chapter, together with such rules and regulations as may be prepared by the State registrar relative to its enforcement.

County Out-Patient Departments or Public Health Dispensaries for Tuberculosis and Other Communicable Diseases—Establishment and Maintenance. (Ch. 529, Act July 9, 1919.)

SECTION 1. A new section is added to the statutes to read:

50.08. *Public health dispensary.*—Any county may establish and maintain an out-patient department or a public health dispensary for tuberculosis and other communicable diseases, which may also be used in connection with the correction of physical defects of school children and child-welfare work. In counties whose population is 250,000 or more such institution shall be governed either pursuant to section 46.21 or sections 46.18 and 46.19. In all other counties it shall be governed pursuant to sections 46.18 and 46.19.

Clinics and Public Health and Medical Dispensaries—Establishment, Conduct, and Maintenance in Counties Having a Population of 250,000 or More. (Ch. 459, Act June 27, 1919.)

SECTION 1. A new section is added to the statutes to read:

SEC. 697-47b. 1. The board of administration is hereby empowered to establish and conduct clinics in connection with the county hospital, subject to such rules and regulations as it may prescribe.

2. Said board of administration, upon authorization of the county board and subject to such rules and regulations as may from time to time be prescribed by said county board, shall have and exercise the following additional powers:

(a) To establish and maintain a public health and medical dispensary and conduct same as may be proper and necessary for the preservation of the public health and the prevention of disease in said county.

* * * * *

Maternity Homes and Homes for Infants—Licenses—Inspection—Reports by. Tuberculosis Hospitals—Establishment by Fraternal or Mutual Benefit Societies—Admission of Nonmembers. (Ch. 616, Act July 19, 1919.)

SEC. 5. Sections 1542a, 1542b, 1542c, 1542d, 1542e, and 1542g, are consolidated and renumbered to be section 58.04, and amended to read:

58.04. *Maternity homes and baby farms; license, inspection, and reports.*—(1) Every individual, firm, association, or corporation owning, keeping, con-

ducting, or managing any institution or home for the boarding or sheltering of infant children, or so-called "baby farm" or any lying-in hospital, hospital ward, maternity home, or other place for the reception, care, and treatment of pregnant women, shall obtain an annual license, which shall be issued by the State board of health without fee, shall not be transferable to other persons or other premises, and shall expire on the 31st day of December next following the issuance; but said board may revoke any such license for reasonable cause. The application for such license shall state the name and address of the licensee, the specific location of the building used, and the number of inmates which may be boarded there at one time, and shall be approved by the local health officer. No greater number of inmates shall be housed at one time in the building than is authorized by the license, and no pregnant woman or infant shall be kept in a building or place not designated in the license. A record of licenses issued shall be kept by the State board of health.

(2) Whenever any such license is issued, the board shall forthwith give notice of the granting and terms thereof to the local health officer, who shall keep informed of the nature and reputation of every such institution in his jurisdiction, and shall visit and inspect the same from time to time, and for such purposes shall at all reasonable hours be given free and unrestricted access to such institution.

(3) Every such licensee shall report to the local health officer, within 24 hours next after it occurs: The birth of any child, including stillborn or prematurely born children at such institution; the arrival of any child, stating the name, sex, age, and color, and from whom received; and the removal of any child, stating its name, age, and the disposition made of it.

Sec. 6. Section 1542 $\frac{1}{2}$ and subsection 4 of section 1786 $\frac{1}{2}$ are consolidated and renumbered to be section 4586 $\frac{1}{2}$ and amended to read:

Sec. 4586 $\frac{1}{2}$. *Maternity homes and home-finding agencies.*—Any person or persons, agency, association, or corporation found guilty of violating any of the provisions of sections 58.03 or 58.04, regulating maternity homes, baby farms and home-finding agencies, shall be punished by a fine of not less than \$10 nor more than \$500, or by imprisonment in the county jail or house of correction not more than one year, and said term of imprisonment, in case of a corporation, may be imposed upon the officers of said corporation who are responsible for said violation.

* * * * *

Sec. 8. The last two sentences of subsection 10 of section 1957 are renumbered to be section 58.06 and amended to read:

58.06. *Private tuberculosis sanatoriums.*—Any fraternal or mutual benefit society organized for the sole purpose of providing disability benefits in cases of tuberculosis may purchase or lease the necessary lands and buildings for the operation of a tuberculosis sanatorium or sanatoria for the benefit of its members. Whenever the sanatorium facilities are not all needed for the treatment of members, nonmembers of the society may be admitted to any such sanatorium upon payment of at least the cost of maintenance and treatment, which payments shall be placed in the funds of the society.

State Board of Health—Annual Appropriation for Administration and Execution of General Functions of—Compensation of Members Other than Secretary. (Ch. 10, Act Feb. 28, 1919.)

SECTION 1. Subsection (5) of section 20.43 of the statutes is repealed.

Sec. 2. The introductory paragraph and paragraph (a) of subsection (1) of section 20.43 of the statutes are amended to read:

(20.43) (1) Annually, beginning July 1, 1919, \$50,000 for administration and the execution of the general functions of said board. Of this there is allotted:

(a) To each member of the board other than the secretary, compensation, to be certified by the president and secretary of the board, at the rate of \$10 per day when actually and necessarily engaged in the performance of his official duties; but not to exceed \$200 in any year to any such member.

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Local Boards of Health—Powers. (Ch. 159, Act May 13, 1919.)

SECTION 1. There is added to the statutes a new section to read:

SEC. 1411-5. The local board of health of each township, incorporated village, or city with the consent of the State board of health shall have power to establish quarantine and to order and execute what is reasonable and necessary for the prevention and suppression of disease; to forbid public gatherings when deemed necessary to control epidemics; and to condemn and abate conditions causative of disease by means of rules and regulations which shall be consistent with the State law and the rules and regulations prescribed by the State board of health.

Commissioners of Health of First-Class Cities—Appointment and Qualifications. Deputy Commissioners of Health of First-Class Cities—Appointment, Qualifications, Powers, and Duties. (Ch. 438, Act June 26, 1919.)

SECTION 1. A new section is added to the statutes to read:

SEC. 925-112m. 1. The commissioner of health of any city of the first class in this State, however incorporated, shall be one who holds the degree of doctor of public health or a graduate of a recognized medical college who has had not less than one year of practical experience in public hygiene and sanitation.

2. The commissioner of health of any such city shall appoint a deputy commissioner of health, who shall be one who holds the degree of doctor of public health or a graduate of a recognized medical college who has had not less than one year of practical experience in public hygiene and sanitation: *Provided*, That such appointment shall not be subject to the civil service law applicable to the cities to which this act may apply.

3. Before entering upon his duties such deputy shall take and subscribe the oath of office prescribed by the constitution of the State, and file the same, duly certified by the official administering the same, with the clerk of such city. He shall furnish a bond for the faithful discharge of the duties of his office in such amount and with such securities as the common council of such city may direct.

4. In case of a vacancy in the office of the commissioner of health the deputy commissioner shall have full power and authority, and it is hereby made his duty, to exercise and perform the duties of the commissioner of health until such vacancy shall be filled by the appointment of a successor by the mayor of such city. Such appointment shall be confirmed by a majority of the members elect of the common council of such city and the appointee shall hold office during the unexpired term of such commissioner.

5. Such deputy shall be authorized to do all the acts required by law to be done by the commissioner of health and he shall in case of the sickness or of the absence of said commissioner act in the place of said commissioner of health and shall perform all the duties prescribed by ordinances of the city upon such commissioner and shall be subject to the same liabilities and penalties.

County Public Health Registered Nurses or Public Health Instructors—Employment, Qualifications, and Duties. (Ch. 311, Act June 7, 1919.)

SECTION 1. Section 697-10m of the statutes is hereby repealed.

SEC. 2. There is added to the statutes a new section to read:

SEC. 697-10m. 1. The board of supervisors of every county shall, within two years after July 1, 1919, employ upon the certification of the State board of health, as herein provided, one or more public health registered nurses, or public health instructors, whose duties shall be as follows: To act as health supervisor for all schools not already having school inspection either by a physician or school nurse; to assist the superintendent of the poor; to instruct tuberculosis patients and others in preventing the spread of tuberculosis; to assist in reporting existing cases of tuberculosis and other communicable diseases; to assist in investigating cases of delinquency, neglect, and dependency of juveniles, including State aid to dependent children, in counties not employing a probation officer; to assist in investigating cases of nonschool attendance in districts where a school attendance officer is not employed; to assist in investigating cases of infringement on child labor laws; to investigate cases of crippled children due to infantile paralysis or other causes; to act as health instructor throughout the county; and to perform such other duties as may be assigned to her.

2. The qualifications of all candidates for the position of public health registered nurse or health instructor shall be determined by a committee of three examiners, one to be selected by the State board of health, one by the committee of examiners of registered nurses, and one by the State superintendent of public instruction. All candidates recommended by the committee of examiners shall be certified by the State board of health to any county board upon request and every public health registered nurse or public health instructor employed by any county after July 1, 1921, shall be selected from the certified list furnished.

3. The work of the public health registered nurse or health instructor shall be directed by a committee composed of the chairman of the county board, the county superintendent of schools, a woman appointed by the county board, the judge of the juvenile court, and the deputy State health officer for that county, to be known as the county health committee.

4. Such public health registered nurse or health instructor shall at the end of each month make a written report to the county health committee, which shall file the same with the county clerk and send a duplicate copy of such report to the State board of health, which report shall show briefly the work done during the month and such other information as the county health committee or the State board of health may from time to time require. The State board of health shall examine all reports filed by the county health registered nurses or county health instructors and make such recommendations to them as will aid in the proper administration of their work.

5. The State board of health shall prescribe model forms for instruction, test cards, blanks, record books, and other useful blanks or appliances for carrying out the purposes of this act and shall notify the county clerk of each county where all of the aforesaid blanks and supplies can be purchased at the expense of the county.

Special Dairy and Food Inspectors—Appointment and Compensation. (Ch. 104, Act Apr. 24, 1919.)

SECTION 1. Subsection 1 of section 1410b-10 of the statutes is amended to read:

(SEC. 1410b-10) 1. Special dairy and food inspectors may be appointed by the dairy and food commissioner for any factory or plant which buys or

receives milk or cream to be manufactured into butter or cheese, or to be condensed, or to be sold as market milk or cream, or for a group of such factories or plants, or for any organization organized for the purpose of selling butter or cheese, upon petition therefor signed by more than two-thirds of the regular patrons of such factory or plant, or by the officers of such factory or plant, or of the organization representing such group of factories or plants, and upon receiving satisfactory proof that such special dairy and food inspectors will be compensated in full for all services rendered and traveling expenses incurred upon and pursuant to such appointment as provided in this section. If the inspector is appointed pursuant to petition signed by the officers of an organization, such compensation and expenses shall be paid by such organization; if appointed pursuant to petition signed by patrons, each patron of the factory or plant shall pay such proportion of the total amount of such compensation and expenses as the amount of milk or cream delivered thereto by him bears to the total amount delivered thereto by all the patrons. The State shall not be liable for any such compensation.

Containers for Milk and Other Dairy Products—Washing and Return of.
(Ch. 338, Act June 11, 1919.)

SECTION 1. Section 4607b-8 of the statutes is amended to read:

SEC. 4607b-8. Any person, firm, or corporation who receives in cans, bottles, or other vessels any milk or cream or other dairy product to be manufactured into food for man or for the purpose of resale, when such cans, bottles, or vessels are to be returned, shall cause the said cans, bottles, or other vessels to be thoroughly washed and cleaned, and shall return or cause the same to be delivered to a common carrier for shipment to the owner thereof within 72 hours after the contents of such container is [sic] removed.

Cheese Factories and Creameries—Testing of Cows Furnishing Milk to. (Ch. 304, Act June 7, 1919.)

SECTION 1. Two new subsections are added to section 1492ab-2 of the statutes to read:

(SEC. 1492ab-2) 1a. The provision of subsection 1 shall not apply to any cheese factory or creamery all milk delivered to which comes from cows which have successfully passed an examination for tuberculosis within one year. Such examination shall be made by a duly licensed veterinarian.

(SEC. 1492ab-2) 2a. Whenever a majority of the patrons of any cooperative cheese factory or creamery, at any regularly called meeting of such cooperative association, shall vote to have their cows tested as provided in subsection 1a no milk shall thereafter be accepted at any such factory or creamery, except from cows which have successfully passed such test.

Condensaries and Canning Factories—Licenses. (Ch. 651, Act July 25, 1919.)

SECTION 1. A new section is added to the statutes and a new subsection is added to section 20.59 to read:

SEC. 1410b-5. 1. On and after April 1, 1920, no person, firm, or corporation shall operate a condensary or canning factory in this State, without first obtaining a license therefor from the dairy and food commissioner, as hereinafter provided. Such licenses shall be granted under such reasonable rules and regulations as the dairy and food commissioner may from time to time prescribe. Upon filing application for a license to operate a condensary or canning factory, the dairy and food commissioner shall issue a permit to such applicant to

operate the same. Such permit shall have the full force and effect of a license to operate such condensary or factory only until a license shall have been issued to the applicant, or until such applicant shall have been notified of the denial of such application.

2. As soon as convenient after the filing of such application, the dairy and food commissioner shall cause an investigation to be made of the conditions of such condensary or canning factory, for the purpose of determining whether or not a license should be granted under the rules and regulations prescribed by him.

3. Each application for such license shall be made upon an application blank furnished by the dairy and food commissioner, upon request, and shall give such information as the dairy and food commissioner may reasonably require; and the dairy and food commissioner shall furnish to each applicant a copy of the rules and regulations incident to securing a license.

4. Each application shall be accompanied by a fee of \$25, payable to the dairy and food commissioner, and no license shall be issued until such fee is paid. In case license is refused, the fee accompanying the application shall be returned by the dairy and food commissioner to the applicant, with the notification of refusal.

5. Licenses to operate a condensary or canning factory shall expire on the 31st day of March next following the date of issue, but may be renewed without inspection on or before the 1st day of April of each year, upon the application of the licensee and upon the payment of \$25 to the dairy and food commissioner.

6. Licenses to operate a condensary or canning factory shall be deemed void and shall be surrendered to the dairy and food commissioner when the person, firm, or corporation to whom they were granted discontinues the use of the building for which such license was granted for a condensary or canning factory; or when another person, firm, or corporation operates such condensary or factory.

7. The dairy and food commissioner is authorized after reasonable notice to revoke any license when the licensee fails to comply with any of the provisions of this section or with any rule or regulation promulgated and issued by the dairy and food commissioner relating to the operation of a condensary or canning factory; and he shall restore to full force and effect any license when the licensee fully complies with all of the provisions of this section and with the said rules and regulations.

8. Any person violating any of the provisions of this section or any rule or regulation promulgated by the dairy and food commissioner under authority of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$25 nor more than \$100 or by imprisonment in the county jail not less than 10 days nor more than 30 days and the license issued to such person shall be revoked.

9. The owner or operator of any condensary or canning factory being dissatisfied with any order of the dairy and food commissioner to close up the condensary or canning factory owned or operated by him may commence an action in the circuit court for the county in which such condensary or factory is located against the commissioner as defendant to vacate and set aside any such order on the ground that the order is unlawful or that any such order is unreasonable, in the same manner as is provided in subsection 8 of section 1410b-2 and the provisions of said subsection shall apply to and govern all actions commenced under the provisions of this subsection.

(20.59) (8) All license fees collected by the dairy and food commissioner under the provisions of section 1410b-5 of the statutes shall be paid within

one week after the granting of such license into the general fund and are appropriated therefrom for the use of the dairy and food commissioner to carry into effect the provisions of section 1410b-5.

Butter Factories, Cheese Factories, and Receiving Stations or Depots Used for Receiving and Shipping Milk or Cream—Licenses. (Ch. 455, Act June 28, 1919.)

SECTION 1. Section 1636-70 of the statutes is repealed.

SEC. 2. Section 1410b-2 of the statutes is amended to read:

SEC. 1410b-2. 1. On and after January 1, 1916, no person, firm, or corporation shall operate a butter factory or cheese factory in this State, or on and after January 1, 1920, a receiving station as defined in subsection 9 of this section, unless a license shall have first been granted by the dairy and food commissioner to such person, firm, or corporation to operate such receiving station or depot or such butter factory or cheese factory at the place designated in such license. Such license shall be granted under such reasonable rules and regulations as the dairy and food commissioner may from time to time prescribe. Upon filing an application for a license to operate a receiving station or depot or a butter factory or cheese factory, the dairy and food commissioner shall issue a permit to such applicant to operate such station or depot or factory. Such permit shall have the full force and effect of a license to operate such station or depot or factory only until a license shall have been issued to the applicant or until such applicant shall have been notified of the denial of such application.

2. As soon as convenient after the filing of such application, the dairy and food commissioner shall cause an investigation to be made of the conditions of such receiving station or depot or such butter factory or cheese factory for the purposes of determining whether or not a license is to be granted under the rules and regulations prescribed by him.

3. Each application for such license shall be made upon an application blank furnished by the dairy and food commissioner upon request and shall state the applicant's name and address and the exact location of the station or depot or factory for which such license is requested, and such other information as the dairy and food commissioner may reasonably require, and the dairy and food commissioner shall furnish to the applicant the rules and regulations incident to securing a license.

4. Each application shall be accompanied by a fee of \$2 payable to the dairy and food commissioner, and no license shall be issued until such fee is paid to the dairy and food commissioner. In case license is refused, the fee accompanying the application shall be returned by the dairy and food commissioner to the applicant with notification of refusal.

5. Licenses to operate a receiving station or a depot or a butter factory or cheese factory shall expire on the 1st day of January next following the date of issue, but may be renewed without inspection on or before the 1st day of January of each year upon application of the licensee and upon payment of \$2 to the dairy and food commissioner: *Provided*, Where a butter and cheese factory are operated together in one plant only one license and fee shall be required.

6. No permit, license, or renewal shall be transferable.

7. The dairy and food commissioner is authorized, after reasonable notice, to close up any receiving station or depot or any butter or cheese factory which is being operated or conducted without a permit, license, or renewal,

and to suspend or revoke any license if the licensee fails to comply with any of the provisions of this section or with any rule or regulation under which the license is granted, and he shall restore to full force and effect any license when the licensee fully complies with all of the provisions of this section and the said rules and regulations.

8. The owner or operator of any receiving station or depot or any butter or cheese factory being dissatisfied with any order of the dairy and food commissioner to close up the station or depot or factory owned or operated by him may commence an action in the circuit court for the county in which such station or depot or such factory is located against the commissioner as defendant to vacate and set aside any such order on the ground that the order is unlawful or that any such order is unreasonable, in which action the complaint shall be served with the summons. The answer of the commissioner to the complaint shall be served and filed within 10 days after service of the complaint, whereupon said action shall be at issue and stand ready for trial upon 10 days' notice to either party. All such actions shall have precedence over any civil cause of a different nature pending in such court, and the circuit court shall always be deemed open for the trial thereof, and the same shall be tried and determined as other civil actions. No injunction shall issue suspending or staying any order of the dairy and food commissioner, except upon application to the circuit court or the presiding judge thereof, notice to the dairy and food commissioner, and hearing.

9. For the purposes of this section the terms "receiving station or depot" or "station or depot" shall mean and include any building or place used in buying or receiving and shipping milk or cream, and shall not mean and include or apply to the gathering or collecting of milk or cream by wagon or other similar vehicle, or by automobile or other similar motor vehicle, or to the distribution of milk or cream to its ultimate consumer.

SEC. 3. This act shall take effect on January 1, 1920.

Cattle—Tuberculin Test—State to Bear Half or Entire Cost of, in Certain Cases—Annual Appropriation. (Ch. 482, Act July 1, 1919.)

SECTION 1. A new section is added to the statutes and a new subsection is added to section 20.60 of the statutes to read:

SEC. 1492a-1. Whenever all persons delivering milk or cream to any one cheese factory or creamery shall file a request with the State department of agriculture asking that all of their cattle over the age of 6 months and numbering 150 or more shall be subjected to the tuberculin test, the said department shall make such test and pay one-half of the cost thereof. Whenever all persons delivering milk or cream to two or more cheese factories or creameries shall file a joint petition with said department of agriculture, showing they own 300 or more cattle over the age of 6 months, and desire all their cattle tested, the same shall be done and the State department of agriculture shall bear the entire cost thereof *Provided*, This section shall also apply to any cattle owners in this State residing in a contiguous territory and organized as an association or group.

(20.60) (9) Annually, beginning July 1, 1919, the sum of \$10,000 to carry out the provisions of section 1492a-1 of the statutes.

Diseased Animals—Appraisal—Payments to Owners of Destroyed Animals. (Ch. 587, Act July 16, 1919.)

SECTION 1. Subsection (2) of section 20.60 of the statutes is amended to read:

(20.60) (2) On July 1, 1919, not to exceed \$200,000, and on July 1, 1920, not to exceed \$225,000, for payment of indemnities to the owners of diseased ani-

mals condemned and slaughtered by order of the live-stock sanitary board, subject to the conditions prescribed in sections 1492b and 1492j, as follows: For each animal condemned and ordered slaughtered, the department of agriculture may on behalf of the State authorize the payments to the owner of a sum equal to the amount received for the salvage of the animal after the freight and cost of handling is deducted, plus one-fourth of the difference between the net amount of salvage and the amount at which the animal is appraised, in no case shall the payment made additional to the net salvage exceed \$20 for grade animals and \$45 for the pure-bred animals. For animals reacting to the test and not coming under the joint cooperative agreement, the owner shall receive from the State a sum equal to the amount received for the carcass or live weight plus one-half the difference between the net amount of salvage and the amount at which the animal is appraised. When in the opinion of the State veterinarian an animal is of sufficient value for breeding purposes to make it profitable to place it in quarantine on the premises leased or owned by the State, the owner may receive as salvage a sum equal to the live-weight price on the day of appraisement plus the indemnity payment as provided in this section. In making the appraisement of horses found diseased with glanders, the owner shall receive one-half of the appraised value, which in no case shall exceed \$150. The department of agriculture shall dispose of reacting animals in a manner most advantageous to the State, and may pay a sum not to exceed the total amount received during the year as payment for handling reactors for care, pasturage, feeding of such animals, and for renting and handling farm lands to be used for that purpose. The department may also allow the owner to ship the cattle under such regulations as it may prescribe to abattoirs operated under Federal meat inspection. The net salvage obtained by the owner when submitted to the department on blanks and under regulations prescribed by it shall be used as a basis of payment as prescribed in this section, but in such instances no payment shall be made as salvage.

SEC. 2. Subsection 3 of section 1492b of the statutes is amended to read:

(SEC. 1492b) 3. In making the appraisement of diseased animals, the appraisers shall determine their value in the condition in which they are found at the time of the appraisement; but the appraised value of no single animal shall exceed the actual market value thereof at the time of such appraisement. The appraisers shall immediately make a verified report to the justices of the peace, giving the number of animals appraised and the amount each animal was valued at.

SEC. 3. This act shall take effect July 1, 1919.

Diseased Animals—Removal or Slaughter—Claims Against State Arising from Removal or Slaughter—Examination of Diseased Animals—Disposal of Reacting Cattle. (Ch. 690, Act July 29, 1919.)

SECTION 1. Sections 1492b-1, 1492b-4, and subsection 12 of section 1492b, of the statutes are repealed.

SEC. 2. Subsection 1 of section 1492b of the statutes is amended to read:

(SEC. 1492b) (1) Whenever the owner shall not exercise the option mentioned in the preceding section and it shall be deemed necessary by the board to remove or slaughter diseased animals and animals reacting to the tuberculin test, either on the premises or at some designated abattoir or any other place for demonstration purposes, and the representative of the live stock sanitary board and State veterinarian can not agree with the owner as to the value of such animal written notice shall be given to the owner, his agent, or the person in charge of such animals, and to a justice of the peace in the

county in which the animals may be of the purpose to order the slaughter thereof, giving the number and description of the animals and the name of the owner.

SEC. 3. Subsection 7 of section 1492b of the statutes is amended to read:

(Sec. 1492b) (7) It shall be the duty of the State live stock sanitary board to negotiate with packers and slaughtering concerns for the purpose of disposing of reacting cattle to be disposed of by the department. They shall keep an accurate account of all animals condemned, to whom each animal was transferred, and what amount was realized for each animal, giving the weight of each animal; the price realized per pound, live or dressed, also the cost of transportation. A copy of such account shall be filed with the secretary of state every 30 days.

SEC. 4. Subsection 11 of section 1492b of the statutes is amended to read:

(Sec. 1492b) (11) All claims against the State arising from the slaughter or removal of animals shall be made by filing with the secretary of state a copy of the live stock sanitary board's notice to the owner and to the justice of the peace, and the return of the appraisers to the justice, which notice and return shall be certified by such justice, giving the name and place of residence of the owner, the date on which such animals were condemned, and the tag number of each animal. In case the representative of the live stock sanitary board and the State veterinarian can agree with the owner of the animal so condemned upon the value of such animal, claims against the State arising from the condemnation of animals shall be made in the same manner as hereinbefore provided in this subsection, except that the returns as to the appraisal of animals condemned shall be made by filing with the secretary of state a copy of the live stock sanitary board's notice to the owner and a copy of their appraisal which shall be certified to before a notary public, justice of the peace, or other person authorized to administer oaths.

SEC. 5. Subsection 3 of section 1492c of the statutes is amended to read:

(SEC. 1492c) (3) The State live stock sanitary board or any member thereof or any veterinarian duly authorized by the commissioner of agriculture and State veterinarian or any duly appointed health officer may enter upon any premises or go into any building or place where he has reason to suspect there may be diseased animals and examine the same, and may call to his aid, if necessary, the sheriff or any constable of the county in which such animals may be located, and all such officers when so called upon by the department of agriculture or a duly appointed representative shall assist in the enforcement of the provisions of law relating to contagious and infectious diseases of animals.

Pupils—Instruction in Health Matters to be Given to. (Ch. 414, Act June 25, 1919.)

SECTION 1. Subsection (2) of section 40.30 of the statutes is amended to read:

(40.30) (2) Provision shall be made by the proper local school authorities for instructing all pupils in all schools supported by public money or under State control in physiology and hygiene with special reference to health, sanitation, and the effects of stimulants and narcotics upon the human system. Regular class instruction in the foregoing, equivalent to at least five periods per week for one-half of a school year, shall be given in either the sixth, seventh, or eighth grade if the school board or board of education of any district shall refuse or willfully neglect to comply with the provisions of this subsection or of subsection (1) of this section the district shall forfeit its right to share in

the distribution of the common-school fund derived from the tax provided for in section 20.25 of the statutes.

SEC. 2. Paragraphs (g), (h), and (i) of subsection (5) section 20.24 of the statutes are renumbered to be paragraphs (h), (i), and (j) of said subsection, and a new paragraph is created to be numbered and to read:

(20.24) (5) (g) No apportionment of any State moneys other than the interest and revenues derived from the common-school fund shall be made to any city, village, or town for any school district therein refusing or willfully neglecting to comply with the provisions of subsections (1) and (2) of section 40.30 of the statutes.

Water and Ice Supplies—Supervision and Control by State Board of Health. Waterworks, Sewerage Systems, and Sewage or Refuse Disposal Plants—Construction, Alteration, Extension, Maintenance, and Operation. (Ch. 447, Act June 28, 1919.)

SECTION 1. Sections 1407m-1, 1407m-2, 1407m-3, 1407m-4, and 1407m-5 of the statutes are hereby repealed.

SEC. 2. There are added to the statutes five new sections to read:

SEC. 1407m-1. (1) The following terms as used in this section mean:

(a) "Waters of the State" includes those portions of Lake Michigan and Lake Superior bordering upon the State of Wisconsin, and all lakes, bays, rivers, streams, springs, ponds, wells, and bodies of surface or ground water, whether natural or artificial, within the boundaries of this State or subject to its jurisdiction.

(b) "Sewage," the water-carried wastes created in and to be conducted away from residences of one or more families and public buildings as defined in section 2394-41 of the statutes; and industrial establishments, together with such ground, surface, and storm water as may be present.

(c) "Waterworks," or "water-supply system," all structures, conduits, and appurtenances by means of which the water is delivered to consumers, excepting the piping and fixtures inside the buildings served and the service pipes from the building to the street main.

(d) "Water supply," the sources and their surroundings from which water is supplied for drinking or domestic purposes.

(e) "Sewerage system" and "sewage treatment and disposal," all structures, conduits, and pipe lines by which sewage is collected and disposed of, excepting the plumbing system inside and in connection with the individual building served, and the service pipes from the building to the street main.

(f) "Refuse," all matters not heretofore defined as sewage produced from industrial or community life subject to decomposition.

(g) "Owner" shall mean the State, county, township, city, village, corporation, firm, company, institution, or individual owning or operating any sewerage, waterworks, or water-supply systems, water supply, sewerage systems, and sewage and refuse disposal plants.

(2) The State board of health shall have general supervision and control over the waters of the State in so far as their sanitary and physical condition affects the public health or comfort, and it may make and enforce rules and regulations, and order the necessary changes or additions to correct and prevent pollution. It shall investigate all sources of water or ice supply and all water or sewage systems and sewage or refuse disposal plants and keep complete records of all such investigations. It shall have power to compel the operation of such systems and plants in a manner which shall protect the public health and comfort, or to order their alteration, extension, or replacement by other structures when deemed necessary.

(3) The State board of health shall, when requested, consult with and advise owners having installed or about to install water-supply and sewerage systems or sewage and refuse disposal plants, as to the most appropriate source of water supply and the best method of providing for its purity, or as to the best method of disposing of sewage or refuse, with reference to the existing and future needs of all communities or persons which may be affected thereby. It may conduct such investigations and experiments relating to the purification of water and the treatment of sewage or refuse; hold such public meetings and attend, or be represented, at such meetings or conventions inside or outside the State as may in its judgment tend to the benefit of public health, or the protection of water supplies and the purification of sewage and refuse. No owner shall be required to bear the expense of such consultation, advice, or experiments. Advice that may be given shall be only of such nature as to outline the best course to pursue, and in no case shall the State board of health be required to prepare plans.

(4) Every owner shall file with the State board of health a certified copy of the complete plans of its proposed water-supply or sewerage system and sewage or refuse disposal plant, to be of such scope and in such detail as may be satisfactory to the State board of health. The said board may require when it deems necessary any owner of a water-supply or sewerage system, sewage or refuse disposal plant, to file with it complete plans and specifications of existing systems or plants and such other information and records concerning the maintenance, operation, and other details of water or sewerage systems, sewage or refuse disposal plants as the said board may require. It shall be the duty of the owner thereof to furnish such information and records within such time as the said board may prescribe.

(5) Whenever the State board of health finds that any water-supply or sewerage system, or sewage or refuse disposal plant, on account of defective design, inadequacy, incompetent supervision, or inefficient operation is in any way tending to produce a menace to health or comfort, or is creating a nuisance, it shall issue an order to the owner having charge of such system or plant, to secure such operating results as said board shall prescribe, which results shall be produced within such time as shall be satisfactory to the State board of health. If the prescribed results be not produced within the time specified, the said board may order the owner or person having charge of such system or plant to make such changes as the board may direct to safeguard health and comfort.

(6) When the conditions can not be sufficiently improved by mere change in the method of operation, the State board of health shall issue an order requiring the owner of the system or plant to make such alterations or extensions to said system or plant, or to install such new system or plant, as the board may determine necessary to correct existing improper conditions.

(7) No owner shall install a water or sewerage system, or sewage or refuse disposal plant nor materially alter or extend any such existing system, without having first submitted complete plans and specifications for the installation, alteration, or extension, together with such information as the State board of health may require, for its approval. All construction shall take place in accordance with the approved plans. In case it shall become necessary or desirable to make material changes in plans or specifications, such changed plans or specifications, together with a statement of the reasons for the alterations, shall be submitted to the said board for approval. The State board of health shall have power to make and enforce such rules and regulations under the provisions of sections 1407m-1 to 1407m-4 of the statutes as it may deem reasonable and proper. Before plans are drawn or application filed for a

prospective water-supply or sewerage system or sewage or refuse disposal plant, a preliminary statement concerning the improvement may be made to the State board of health, whereupon the said board shall, if requested, outline the general requirements of the case, conformity with which would meet with the board's approval. Whenever application shall be made to the State board of health for approval of plans or installations under the provisions of sections 1407m-1 to 1407m-4 of the statutes it shall be the duty of the board to examine the plans and conditions without delay, and, as soon as possible thereafter, approve or disapprove said plans or installations, or state the conditions under which approval will be granted.

(8) Whenever the State board of health shall find that the water supply for any public or private source of ice supply is, or is likely to become, prejudicial or dangerous to health or comfort from any cause, it shall order that said source of water for ice supply shall be closed. Or the board may order that such devices shall be installed or such measures instituted as shall be sufficient to remedy existing conditions, if in its judgment such conditions can be remedied in a satisfactory manner by said devices or measures. The State board of health shall be empowered to make and enforce such rules and regulations as it may deem proper regarding the selection and care of sources of ice supply and the methods employed in harvesting, manufacturing, storing, and handling ice.

(9) All records as may be required by the State board of health under its rules and regulations adopted pursuant to sections 1407m-1 to 1407m-4 of the statutes shall be kept by the owners, and the State board of health shall be supplied with certified copies of all such records and such other information as it may require. Agents of the State board of health shall be allowed entry to all buildings, structures, and premises of owners supplying the public or industrial plants with water, ice, sewerage systems, sewage or refuse disposal service, or to all private properties for the purpose of collecting samples, records, and information, and ascertaining whether the rules and regulations and orders of said board are complied with.

(10) Every approval given by the State board of health under this act may be subject to modification and change by said board after due notice.

(11) In all matters, except in the formulation and adoption of rules and regulations, the State health officer is hereby authorized and empowered to act as and for the State board of health in enforcing and carrying out the provisions of sections 1407m-1 to 1407m-4, inclusive, of the statutes.

(12) Nothing in this act shall be construed to alter, amend, repeal, impair, or affect any of the provisions of sections 1797m-1 to 1797m-109 or of chapter 31 of the Wisconsin Statutes.

SEC. 1407m-2. If in any case any order of the State board of health made in pursuance to the provisions of sections 1407m-1 to 1407m-4, inclusive, is not acceptable to any owner affected thereby, such owner shall have the right of appeal, to wit: The objections to and the necessity for and reasonableness of such order may be submitted to three reputable and experienced engineers, one to be chosen by the owner, to which such order of the State board of health applies, one chosen by the said board, and the third by the other two, who shall act as referee engineers. If the engineers so chosen are unable to agree, then the vote of the majority shall be the decision of the referee engineers. The referee engineers herein provided for shall affirm or modify the order of the said board and shall submit their decision within 30 days from the date of their appointment, unless such time be extended by mutual agreement of said owner and board, and said decision, as reported in writing to the said board, with recommendations, shall be enforced by said board in the manner provided

for in sections 1407m-1 to 1407m-4, inclusive, of the statutes. Until the rendering of such report by the engineers changing or modifying the order of the State board of health the order of the board as first issued shall be in full force and effect. An election to proceed by arbitration under this section shall be construed as a waiver of the right to proceed by an appeal under section 1407m-3. Two-thirds of the fees and expenses of said referee engineers shall be paid by the owner requesting such adjudication and the balance to be paid by the State board of health.

SEC. 1407m-3. Any owner, as defined herein, dissatisfied with any order or regulation of the State board of health issued under the provisions of sections 1407m-1 to 1407m-4, inclusive, of the statutes may commence within 20 days after the service of such order or regulation an action in the Circuit Court of Dane County against the State board of health as defendant to vacate and set aside any such order or regulation on the ground that such order is not necessary for the protection of the public health or comfort, in which action a copy of the complaint shall be served with the summons. The answer of the State board of health shall be filed within 20 days, whereupon said cause shall be at issue and stand ready for trial upon 15 days' notice to either party. All such actions shall have precedence over any civil cause of a different nature, except actions wherein the State or a department of State government is a party, and the said court shall always be deemed open for trial thereof, and the same shall be tried and determined as other civil actions. Either party to said action within 20 days after service of a copy of the order of judgment of the Circuit Court of Dane County may appeal to the supreme court.

SEC. 1407m-4. If any owner shall fail to comply with any order of the State board of health before the expiration of the time specified for compliance therewith, or in case of appeal fail for a period of 20 days after final judgment affirming the board's order to obey said order or in good faith to begin to obey the same, such owner shall be held and declared to be creating a public nuisance, which may be enjoined as provided by section 3180a, and such owner shall forfeit to the State of Wisconsin a sum of not less than \$10 nor more than \$5,000 for each day such failure continues. All forfeitures shall be recovered by the State in civil action brought by the attorney general, and such forfeitures when collected shall be paid into the general fund of the State treasury.

(20.43) (10) On July 1, 1919, and annually thereafter, \$10,000 to carry out the provisions of sections 1407m-1 to 1407m-4, inclusive, of the statutes.

Municipal Sewerage Systems or Sewage or Refuse Disposal Plants—Connection with Systems or Plants of Other Municipalities—Compensation to Municipalities Furnishing Service. (Ch. 510, Act July 8, 1919.)

SECTION 1. Three new subsections are added to section 1407m-1 of the statutes to read:

(SEC. 1407m-1) (14) (a) In exercising the powers conferred by sections 1407m-1 to 1407m-4, inclusive, the State board of health may require the sewerage system or sewage or refuse disposal plant of any town, village, or city to be so planned and constructed that it may be connected with the sewerage system or sewage or refuse disposal plant of any other town, village, or city, so that the water supply and health of any community in the same general drainage district may be properly protected, and may, after a hearing, upon due notice to all municipalities involved, order the proper connections to be made.

(b) In case the sewerage system or sewage or refuse disposal plant of any town, village, or city is connected, as aforesaid, with that of any other town,

village, or city, compensation shall be determined and paid in the manner hereinafter provided to the municipality whose system or plant is subjected to such service by the municipality receiving such service.

(c) As soon as possible after the 1st day of January of each year following said connection and service, the sewerage commission or board, body, department, or official having charge and control of the sewerage system or sewage or refuse disposal plant of any municipality furnishing the service aforesaid shall determine the sum of money which is a reasonable compensation to charge any municipality which has been furnished the aforesaid service, and report the same to the city clerk of said serving municipality who shall, on or before the 1st day of August of each year, certify said report to the clerk of the municipality which received said service. Thereafter the clerk of said municipality receiving said service shall, at the same time and in the same manner that other local taxes are extended on the tax roll and in addition to all other taxes, extend a sufficient amount opposite each valuation on the tax roll of said municipality to realize the total amount of said sum certified to him in said report, which tax shall be collected at the same time and in the same manner as other local taxes are collected, and when collected shall be paid over to the treasurer of the municipality which furnished said service: *Provided*, That if, due to delay in determination, by arbitration or by the court as hereinafter provided, of the reasonable sum to be paid for such service, such sum can not be extended on the tax roll of any particular year, the same shall be extended on said tax roll as soon as possible after the final determination of said sum.

(15) If any municipality shall deem such charge unreasonable, it may, upon resolution of its governing board or body within 20 days after the filing of said report with its clerk, elect to submit the reasonableness of such sum to arbitration in the following manner:

The objections to the reasonableness of such sum may be submitted to three reputable and experienced engineers, one to be chosen by each municipality, and the third by the other two, who shall act as referee engineers. If the engineers so chosen are unable to agree, then the vote of the majority shall be the decision of the referee engineers. The referee engineers herein provided for shall affirm or modify the sum determined by the municipality furnishing the service, and shall submit their decision within 30 days of their appointment unless such time be extended by mutual agreement of said municipalities concerned, and said decision shall be reported in writing to the two municipalities concerned and shall be binding upon said municipalities. An election to proceed by arbitration, as herein provided, shall be construed as a waiver of the right to proceed by an action in the circuit court, as hereinafter provided. Two-thirds of the fees and expenses of said referee engineers shall be paid by the municipality requesting such arbitration, and the balance shall be paid by the other municipality.

(16) Any municipality receiving service as aforesaid, and dissatisfied with the sum certified to it as compensation for the aforesaid service by another municipality, may, within 20 days after service of the report of the aforesaid sum upon its clerk, commence an action in the circuit court of the county in which the municipality furnishing such service is located to determine the amount of compensation which it shall pay for such service, in which action a copy of the complaint shall be served with the summons upon the municipality rendering the service. The answer of the municipality rendering the service shall be served within 20 days, whereupon said cause shall be at issue and stand ready for trial upon 15 days' notice to either party. All such actions shall have precedence over any civil cause of a different nature, except actions

wherein the State or a department of State government is a party, and the said court shall always be deemed open for trial thereof, and the same shall be tried and determined as other civil actions. Either party to said action, within 30 days after service of a copy of the judgment of said court, may appeal to the supreme court as in other actions. In case said court shall determine that a reasonable compensation for said service is a sum equal to or greater than the sum certified to the clerk of the municipality commencing said action, the costs of said action shall be paid by the municipality commencing said action, otherwise by the municipality furnishing the service.

Water and Sewer Connections—May Be Required by Ordinance. (Ch. 223, Act May 23, 1919.)

SECTION 1. Section 1418a-1 of the statute is amended to read:

SEC. 1418a-1. 1. Any city or incorporated village having systems of waterworks and sewerage may by ordinance require dwelling houses or other buildings used for human habitation within the corporate limits of such city or village, when such building or buildings are located adjacent to a public sewer and a public water supply, or in a block through which sewer and water systems extend, to be connected with such sewer and water systems in such manner as may be deemed necessary by the board of health, or by the board of public works where such board exists. If any person or persons fails, neglects, or refuses to so connect any building or buildings with the public sewer and water systems of such city or incorporated village, as herein provided, for more than 10 days after being notified to do so in writing by the board of health or the board of public works, any such city or incorporated village may cause such building or buildings to be connected with said sewer and water systems. In case such city or village shall cause such building or buildings to be connected with said public sewer and water systems the costs and expenses thereof shall be assessed as a special tax against the property and premises so connected, and such amount shall, subject to the provisions of subsection 2 of this section, be levied and collected in the same manner as other taxes.

2. Such amount shall be levied and collected in one sum, unless, within 30 days after the completion of the work of making such sewer and water connections, the owner of such property and premises shall file a written option with the city or village clerk stating that he can not pay such amount in one sum and asking that such amount be levied and collected in not to exceed five equal annual installments. If such option is so filed, such amount shall be collected in installments and the installment due each year, together with interest thereon at the rate of 6 per cent per annum from the date of the completion of such work, shall be levied and collected. The balance of such amount, together with interest thereon at the rate of 6 per cent per annum, shall remain and constitute a special tax lien against such property and premises until wholly paid: *Provided, however,* That the provisions of this subsection shall not apply to cities of the first class.

Plumbers—Licenses. Plumbing—Regulation and Inspection. (Ch. 383, Act June 20, 1919.)

SECTION 1. Subsection (c) of subsection 1 and subsections 2 and 3 of section 959-53, section 959-54, subsections 1, 3, and 4 of section 959-55, subsections 1 and 2 of section 959-55a, subsections 1, 2, 6, and 8 of section 959-55b, and sections 959-57 and 959-58 of the statutes are amended to read:

(SEC. 959-53) (1) (c) A plumber's apprentice is hereby defined to be any person other than a journeyman or master plumber who, as his principal occu-

pation, is engaged in learning and assisting in the installation of plumbing and drainage.

(SEC. 959-53) 2. In any city or village of this State having either system of waterworks or sewerage, no person, firm, or corporation shall engage in or work at the business of a master plumber or journeyman plumber unless licensed so to do by the State board of health in the manner herein provided.

3. The State board of health is hereby authorized and empowered to grant and issue licenses and permits to master plumbers and journeymen plumbers as hereinafter provided for.

SEC. 959-54. 1. Any person desiring to engage in or work at the business of a journeyman plumber or master plumber, not heretofore licensed, in any city or village of this State having either system of waterworks or sewerage, shall apply to the State board of health for a license and be by said board examined as to his fitness for such work either as a journeyman plumber or as a master plumber, as the case may be.

2. Any person, firm, or corporation desiring to engage in or work at the business of installing plumbing, or who shall install plumbing in connection with the dealing in and selling of plumbing material and supplies in any city or village of this State having either systems of waterworks or sewerage, shall be required at all times to have a licensed master plumber in charge who shall be responsible for the proper installation of all such plumbing. Any person, firm, or corporation selling or dealing in plumbing materials or supplies but not engaged in the installation of plumbing, shall not be required to employ or have a licensed master plumber as provided for by this section.

(SEC. 959-55) 1. The State board of health shall, within 60 days after the passage and publication of this act, appoint, and shall have power to remove, three plumbing examiners, of whom one shall be a practical master plumber, one shall be a practical journeyman plumber, and one shall be a member or an employee of the State board of health, to be known as the committee of examiners for the examining of journeyman and master plumbers as to their qualifications and fitness to be entitled to licenses to engage in the work of master plumbers and journeyman plumbers herein provided for. Such examiners shall be exempt from the provisions of sections 990-1 to 990-32 of the statutes. The State board of health shall have power and authority, and it shall be its duty, to prescribe, amend, and enforce rules and regulations for the examination and licensing of journeyman and master plumbers consistent with this act.

3. The licenses of journeyman and master plumbers provided for in section 959-53 of the statutes shall be issued by the State board of health upon evidences, as shown by the examination of the fitness of the applicant for the business or practice of a master plumber or a journeyman plumber, as the case may be.

4. The State board of health shall have power to revoke any journeyman or master plumber's license if same was obtained through error or fraud, or if the recipient thereof is shown to be incompetent, and for a second willful violation of any rules and regulations prescribed by the State board of health: *Provided*, That before any license shall be revoked, the holder thereof shall have notice, in writing, enumerating the charges, and at a specified date named therein, not less than five days after the service of such notice, be given a hearing by said board and have an opportunity to produce testimony in his behalf. The State board of health shall have power to appoint, by an order in writing, its secretary or any competent person to take testimony, who shall have power to administer oaths, issue subpoenas, and compel the attendance

of witnesses, and the decision of the State board of health shall be based on its examination of all testimony and records. Any person whose license has been revoked may, after the expiration of one year from the date of such revocation, apply for a new license.

(Sec. 959-55a) 1. All persons engaged on or before January 1, 1920, in the plumbing business in this State in cities and villages having either systems of waterworks or sewerage, either as master plumbers or journeyman plumbers, and not heretofore licensed, shall be respectively licensed as such by the State board of health without examination, upon the payment to the State board of health of the license fee hereinafter provided. No person who desires to engage in the business or practice of plumbing, either as a master plumber or a journeyman plumber, after January 1, 1920, shall be granted a license until he has passed a satisfactory examination. Before any applicant for a journeyman plumber's license shall be permitted to take such examination, he shall pay to the State board of health the examination fee as herein provided for, and any applicant for a master plumber's license shall pay to the State board of health at the time of filing such application the sum of \$25.

2. The State board of health shall prescribe and shall have power to amend the rules and regulations governing plumbing, drainage, sewerage, and plumbing ventilation in connection with all buildings in this State and may prescribe minimum standards which shall be uniform throughout the State. This act shall not be construed to deny the right to any local governing body having jurisdiction to adopt and enforce additional rules and regulations relating to plumbing, drainage, sewerage, and plumbing ventilation not inconsistent with the provisions of this act or the rules and regulations prescribed by the State board of health.

(Sec. 959-55b) 1. All master plumbers not heretofore licensed engaged in business as such in cities and villages of this State having either systems of waterworks or sewerage, desiring to continue as such, are hereby required to procure a master plumber's license from the State board of health within 60 days after January 1, 1920, the fee for which license is hereby fixed at \$25, such license, unless sooner revoked, to expire on December 31 next after the issuance thereof, but no examination shall be required of such master plumbers making such application for license within the time hereby limited. Commencing January 1, 1920, and annually thereafter, during the month of January of each year, renewal fee of \$15 shall be paid to the State board of health for a renewal of such license by all master plumbers theretofore licensed continuing in business as such in cities or villages having either systems of waterworks or sewerage within this State: *Provided*, That any person who neglects or fails to have his license renewed as above provided may have the same renewed by making application therefor within 30 days after January 31, and upon payment of \$5 revival fee and \$15 renewal fee.

2. All journeyman plumbers not heretofore licensed engaged in business as such in cities and villages having either systems of waterworks or sewerage, desiring to continue in business as such are hereby required to procure a journeyman plumber's license from the State board of health within 60 days after January 1, 1920, the fee for which license is hereby fixed at \$2, such license, unless sooner revoked, to expire on December 31 next after the issuance thereof, but no examination shall be required of such journeyman plumbers making such application for license within the time hereby limited. Commencing January 1, 1920, and annually thereafter during the month of January of each year, a renewal fee of \$1 shall be paid to the State board of health for a renewal of such license by all journeyman plumbers theretofore licensed continuing in business as such in cities or villages having either systems of water-

works or sewerage within this State: *Provided*, That any person who neglects or fails to have his license renewed as above may have the same renewed by making application therefor within 30 days after January 31 and upon the payment of \$1 revival fee and \$1 renewal fee.

6. The fees for any person hereafter desiring to engage in the business of a journeyman plumber or a master plumber in cities or villages in this State having either systems of waterworks or sewerage and not licensed within 60 days after January 1, 1920, shall be, respectively, \$2 and \$25.

8. Any person working as an apprentice at the business or practice of plumbing, for such time as the State board of health may prescribe in its rules and regulations for the licensing of plumbers and desiring to take an examination for a license as a journeyman plumber may file his application for such examination with the State board of health as herein provided, and upon giving due notice of the filing of such application with said board may be granted a permit by the State board of health to pursue said work in the capacity of journeyman plumber until such time as said examining board shall have an opportunity to examine him. When deemed necessary, the State board of health may authorize and empower one member of said examining board or one of the plumbing inspectors employed by the State board of health to hold and conduct a special examination to determine the qualifications of an applicant for a temporary permit, the results of such examination to be reported in writing by the examiner to the State board of health.

SEC. 959-57. The council of each city of the first, second, and third class, however organized, having a system of waterworks or sewerage, or the officer or board of any such city to whom such authority is delegated, shall appoint, and may for cause remove, one or more inspectors of plumbing who shall be practical plumbers, and the council of any city of the fourth class, however organized, and the village board of any village may appoint and may for cause remove one or more inspectors of plumbing who shall be practical plumbers or other skilled sanitarians or persons familiar with plumbing and competent to perform the duties of such office. The compensation of such inspector or inspectors shall be determined by the council or village board, as the case may be, and shall be paid from the city or village treasury; they shall inspect all plumbing work in the city or village for which appointed, whether such work be new or consist of alterations or repairs, and shall report to the council, village board, or other appointing body, as the case may be, all violations of any law, ordinance, or by-law relating to such work and shall perform such other appropriate duties as may be required.

SEC. 959-58. 1. Each city of the first, second, and third class having a system of waterworks or sewerage shall and any city of the fourth class and any village may, by ordinance or by-law, prescribe rules and regulations for the materials, construction, alteration, and inspection of all pipes, faucets, tanks, valves, and other fixtures by and through which supply or waste water or sewage is used or carried, and provide that they shall not be placed in any building therein except in accordance with plans which shall be approved by the board of public works, where such board exists, or the board of health of such city or village, or such person or persons as either of said boards may designate; and shall further provide that no plumbing shall be done, except in case of repairing leaks, without a permit being first issued therefor upon such terms and conditions as such city or village shall prescribe: *Provided*, That no such ordinance, by-law, rule, or regulation prescribed by any such city or village shall be inconsistent with this act or any rule or regulation adopted or prescribed by the State board of health: *And provided further*, That no city

or village shall be authorized to or require the licensing of journeyman or master plumbers or prevent any such plumbers who are licensed under the provisions of this act from engaging in or working at the business for which they are respectively licensed in any place in this State.

2. The provisions of sections 959-53 to 959-58 inclusive, shall apply only to cities and villages having a population of 3,000 or more according to the last Federal census.

SEC. 2. There is added to section 959-56 of the statutes a new subsection to read:

(Sec. 959-56) 3. Any master plumber who shall employ an apprentice on any plumbing work, representing him to be a journeyman plumber, or who shall charge for the services of such apprentice a journeyman plumber's wage, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$25 or by imprisonment in the county jail not more than 30 days. Each day of such violation shall constitute a separate offense.

SEC. 3. Subsection 3 of section 959-55b of the statutes is repealed.

SEC. 4. This act takes effect January 1, 1920.

Housing Code—Boards of Health of Third-Class Cities Authorized to Establish—Penalty for Violation. (Ch. 546, Act July 10, 1919.)

SECTION 1. A new section is added to the statutes to read:

SEC. 1416a. 1. The local board of health of any city of the third class, however organized, is authorized to establish a housing code for such city.

2. Any person violating any of the provisions of a housing code established under this section shall be punished by a fine of not more than \$300, or by imprisonment in the county jail not to exceed six months, or by both such fine and imprisonment.

Births, Deaths, and Marriages—Registration of Those Not Previously Registered. (Ch. 111, Act Apr. 25, 1919.)

SECTION 1. There is added to the statutes a new section to read:

SEC. 1022-62. When any marriage, birth, or death heretofore or hereafter occurring in this State shall not have been registered, upon presenting and filing with the local registrar of the township, incorporated village, or city in which the marriage, birth, or death occurred, or with the State board of health, proof of such marriage, birth, or death on blanks to be furnished by the State board of health, the certificate shall be accepted for record and an exact copy sent to the register of deeds. Local registrars shall report to the State board of health each month all such original certificates filed with them after making a copy for the register of deeds. Proof shall be required as follows: In case of marriage, the affidavit of the person who performed the ceremony or, if such proof can not be made, then the affidavit of some person not a party to the marriage who was present thereat; in case of birth, the affidavit of the attending physician, midwife, parent, or other person who has actual knowledge of the time of such birth and of his parentage; and in case of death, the affidavit of some person who knew the deceased while living and actually saw him dead or has actual knowledge of his death. In each case such affidavit shall set forth the facts necessary to make a satisfactory record of such marriage, birth, or death in the manner required by law.

Nonresident Births, Deaths, and Marriages—Copies of Records to Be Sent to Places of Residence and Recorded There. (Ch. 237, Act May 27, 1919.)

SECTION 1. There is added to the statutes a new section to read:

SEC. 1022-63. The local registrar of each township, incorporated village, and city shall, on the first day of each and every month, make an exact copy of all births, marriages, and deaths recorded in such city, incorporated village, or township during the previous month, whenever the parents of the child born, or the bride or the groom, or the deceased person, were resident in any other city or incorporated village in this State or in any other State at the time of said birth, marriage, or death; and shall transmit such copies to the registrar of the incorporated village, city, or State in which such parents of the child born, the bride, or the groom, or the deceased, were resident at the time of said birth, marriage, or death. The registrars so receiving such copies shall record the same in the books kept for recording births, marriages, and deaths. Such copies shall be made upon blanks to be furnished for that purpose by the State board of health.

Beauty-Parlor Shops—Regulation by State Board of Health—Examination and Licensing of Managers, Operators, and Apprentices. (Ch. 605, Act July 18, 1919.)

SECTION 1. A new section is added to the statutes and a new subsection is added to section 20.43 of the statutes to read:

SEC. 1636-30. 1. No person shall act as manager of or as an operator or apprentice in any beauty-parlor shop without first having obtained a license so to do as provided in this section.

2. The State board of health shall on or before August 1, 1919, appoint, and shall have power to remove, three competent persons to be known as the committee of examiners, who shall conduct the examinations required under the provisions of this section. No person shall be appointed such examiner unless he shall have had at least five years' experience as a manager of a beauty-parlor shop. All such examiners shall be exempt from the provisions of sections 16.01 to 16.30 of the statutes.

3. The State board of health shall appoint and provide for the payment of one woman inspector, who shall devote her whole time to the duties of the office in inspecting beauty-parlor shops and to doing such other work as the State board of health may require.

4. Each such examiner shall receive \$10 per day for the actual number of days served by such member in performing the duties imposed by this section, and in addition to such compensation shall be reimbursed his actual and necessary expenses in performing the duties prescribed by this section. All claims for services shall show the actual number of hours of service for each day of such service and in no case shall the allowance exceed the amount of \$10 for services performed during any one calendar day. The total expenditures for carrying out the provisions of this section shall not exceed the amount of money collected and deposited by the secretary of the State board of health as provided in subsection (12) of section 20.43.

5. The regular examinations for the licensing of managers and operators shall be held four times a year and special examination may be held whenever the State board of health may deem it necessary. Whenever a complaint that any beauty-parlor shop is kept in an insanitary condition or that a contagious disease has there been imparted [sic], said board shall investigate such complaint and enforce the penalty provisions of this section: Said board shall keep a register of all licensed managers of and operators and apprentices in beauty-

parlor shops which register shall be open to public inspection. Said board shall also keep a record of all its proceedings, showing whether an applicant was accepted or rejected by examination or otherwise, and such books shall be prima facie evidence of all matters reported therein. The fiscal year of said board shall close on June 30, and said board shall file with the governor annually in July an itemized report giving the full statement of all receipts and expenditures and of its proceedings, business, and activities.

6. Any person desiring to become a manager of a beauty-parlor shop shall make an application for a manager's license, which application shall be accompanied by a fee of \$15. Upon approval of such application the State board of health shall issue said manager's license, which shall entitle the holder to be the manager of a beauty-parlor shop for a period of one year from the date of said license. Such license may for good and sufficient reason be revoked by said board at any time. All such licenses issued by said board shall expire on January 1 next succeeding the date of issuance thereof. All holders of any such license shall on or before January 1 in each year make application for renewal of such license for the subsequent year and shall accompany such application with a fee of \$10, and upon receipt of such application and fee the State board of health shall issue a new license, good for the ensuing year. If such application is not made by the date above named, the board may revoke the license.

7. Any person desiring to become an operator in any beauty-parlor shop shall make application as provided in subsection 6, but the initial license fee shall be \$2, with an annual fee of \$1. Apprentices in beauty-parlor shops may be licensed or issued a permit upon application, without charge.

8. No person shall be licensed as a manager of any beauty-parlor shop unless such person shall have an education equivalent to the eighth grade in the public school.

9. Apprentices shall practice for six months under the direction and supervision of a licensed manager before they shall be eligible to be licensed as operators. Upon proof of having so practiced and upon payment of the initial license fee, an operator's license may be issued to such former apprentice, and an operator in any such beauty-parlor shop may be licensed as a manager after having served one year as an operator under a licensed manager and upon passing the required examination.

10. The State board of health shall have the same power and control over beauty-parlor shops as are given it by the provision of sections 1636-18 to 1636-27 of the statutes in regulating barber shops.

11. Any person now actually engaged as manager of or as an operator in a beauty-parlor shop, and who has been so engaged continuously for the period of six months next immediately preceding the passage of this act, may be licensed as hereinbefore provided without examination, providing application for such license is made on or before August 1, 1919. Each person applying for a license under the provisions of this subsection shall furnish evidence of good moral and professional character. Such practice and character is to be attested by the oath of a licensed physician or health officer in the municipality in which the person making application has her place of business, and also by one freeholder resident therein. Any such applicant shall accompany her application with the license fee hereinbefore provided.

12. All fees required to be paid by this section shall be paid to the secretary of the State board of health.

13. It shall be unlawful for any person to follow the occupation of beauty-parlor manager, operator, or apprentice without first having obtained the license provided for in this section.

14. Any person who shall act as manager of or operator or apprentice in any beauty-parlor shop without having obtained a license, as herein provided, or any person who shall willfully employ a beauty-parlor manager, operator, or apprentice, knowing that such person has not obtained a license, or any person who shall falsely pretend to be a licensed manager, operator, or apprentice, or any person who shall violate any of the sanitary rules adopted by the board of health shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$10 or more than \$100 or by imprisonment in the county jail for not less than 10 days nor more than 90 days, or by both such fine and imprisonment.

(20.43) (12). All moneys received by the State board of health under section 1636-30 shall be paid within one week after receipt into the general fund, and are appropriated therefrom for the examination, licensing, and regulation of beauty-parlor shops as provided in section 1636-30.

Embalming—Licenses—Practice of. (Ch. 140, Act May 2, 1919.)

SECTION 1. Section 1409-1 of the statutes is amended to read:

SEC. 1409-1. The State board of health is hereby authorized and empowered to determine the qualifications necessary to enable any person to properly embalm dead human bodies and disinfect the premises. The said board, or some member thereof, shall examine all applicants for an embalmer's license and shall issue an embalmer's license to all persons who successfully pass such examination. No person shall embalm any dead human body unless he or she shall hold a valid, unrevoked, and unexpired license from the Wisconsin State Board of Health authorizing him to practice the art of embalming. It shall be unlawful for any person not a licensed embalmer, as herein provided, to advertise, practice, or pretend to practice the art of embalming by either arterial or cavity treatment. Whenever request therefor is made, the presence of a female shall be permitted in cases where a dead female body is to be prepared for burial.

Embalmers' Licenses—Renewal—Date of Expiration. (Ch. 315, Act June 7, 1919.)

SECTION 1. Section 1409-5 of the statutes is amended to read:

SEC. 1409-5. Any person holding an embalmer's license under sections 1409-1 to 1409-9, inclusive, may have the same renewed for not to exceed one year by making and filing with the secretary of said board an application therefor within 30 days preceding the expiration of his or her license, upon blanks prescribed by the said board and upon payment of \$1 renewal fee: *Provided, however,* That any person neglecting or failing to have his license renewed as above may have the same renewed by making application therefor within 30 days after date of expiration and upon payment of \$2 revival and renewal fees. All embalmers' licenses and all renewal licenses issued by said board shall expire on December 31 next succeeding the date of issuance thereof.

Public Comfort Stations—Establishment and Maintenance—Regulations by State Board of Health and Governing Bodies of Municipalities. (Ch. 187, Act May 15, 1919.)

SECTION 1. A new section is added to the statutes to read:

SEC. 937f. 1. Every city and incorporated village shall provide and maintain a sufficient number of suitable and adequate public comfort stations for both sexes.

2. The State board of health shall establish rules and regulations governing the location, construction, equipment, and maintenance of public comfort stations, and may prescribe minimum standards that shall be uniform throughout the State.

3. The governing body of a city or incorporated village may adopt and enforce, additional regulations deemed essential for the proper construction and maintenance of such public comfort stations.

WYOMING.

State Board of Health—Appointment. (Ch. 30, Act Feb. 17, 1919.)

SECTION 1. That section 2928, Wyoming Compiled Statutes, 1910, be amended and reenacted as follows:

SEC. 2928. *Appointment.*—The governor, by and with the advice and consent of the senate, shall appoint five persons, electors of the State of Wyoming, all of whom shall be resident licensed physicians of the State of Wyoming, who shall constitute the State board of health, and who shall hold office for the term of four years and until their successors are appointed and qualified: *Provided*, That the governor may appoint for a period of less than four years, and so arrange such appointments that the term of office of not more than three such appointees expires in the same year: *Provided further*, That any vacancy which may occur in said board shall be filled by the governor and the person so appointed shall hold his office until the expiration of the term.

Peddling or Hawking Fresh Meat—Licenses—Inspection of Premises, Vehicles, etc. (Ch. 87, Act Feb. 25, 1919.)

SECTION. 1. *License for peddling.*—No person shall engage in the business of peddling or hawking fresh meat until he shall have procured a license therefor from the State dairy, food, and oil commissioner.

SEC. 2. Unless otherwise specified the word "commissioner" where used in this act shall mean the State dairy, food, and oil commissioner.

SEC. 3. *Application for license.*—Whenever any person shall apply for a license under the provisions of this act, he shall make application to the commissioner upon blanks furnished by the said commissioner. Applicants shall state in their application:

First. Name and post-office address.

Second. Location and description of the premises.

Third. Condition of vehicle in which meat is to be transported.

Fourth. Condition of utensils.

Fifth. City or town in which meat is to be sold.

SEC. 4. *Inspection of premises.*—When the applicant has satisfied the commissioner that he will not slaughter any animal or animals except those in perfect health, and that he will prepare his meat in a sanitary and wholesome manner, and will protect same at all times up to the delivery to the purchaser; a license will be granted said applicant to peddle or hawk fresh meat during the season for which the license is procured. The premises, utensils, wagons, and all appliances used in connection with the business of peddling and hawking fresh meat will be subject to inspection at any time by the commissioner or his deputy, and whenever the commissioner or his deputy shall find upon a hearing to be held after not less than three days' notice to any such license [s'c], that the provisions of the act regulating slaughterhouses and the regulations adopted

thereunder or the regulations governing the care of such meat adopted under the provisions of this act have been violated he shall have the authority to cancel said license.

SEC. 5. *Regulations promulgated by commissioner.*—The commissioner shall have authority to adopt and promulgate regulations governing the filing of applications and the issuance of licenses and specifying the matters to be set forth in such applications and to pay the necessary expenses of administering the provisions of this act from the appropriation for the contingent expenses of his office.

SEC. 6. *Duty of officers of law.*—It shall be the duty of every sheriff, deputy sheriff, constable, marshal, or policeman of the State of Wyoming to require everyone engaged in the business of peddling or hawking fresh meat to produce the license granted to him by the commissioner. Upon the failure of said peddler to produce such license said sheriff, deputy sheriff, constable, marshal, or policeman shall make complaint to the county and prosecuting attorney, who will cause appropriate proceedings to be commenced and prosecuted in the proper court without delay for the enforcement of the penalty as in such cases herein provided.

SEC. 7. *Violations of provisions of act.*—Whoever shall violate the provisions of this act or the regulation adopted and promulgated hereunder shall be guilty of a misdemeanor and upon conviction shall be punished for the first offense by a fine of not less than \$10 or more than \$50 and upon conviction for every subsequent offense by a fine of not less than \$50 or more than \$100 or by imprisonment in the county jail not exceeding 30 days, or both: *Provided*, That the provisions of this act shall not apply to the selling of fresh meat by any farmer or ranchman who is the producer thereof, providing that such farmer or ranchman has complied with the regulations of the pure food commissioner which may be issued governing such sales.

SEC. 8. This act shall take effect and be in force from and after the 1st day of July, 1919.

Whey—Cans for, Not to be Used for Other Purposes. (Reg. Dairy, Food, and Oil Commissioner, Aug. 25, 1919.)

REG. 16. *Whey cans.*—No cans used for milk or cream shall be used to take whey away from creameries or cheese factories. All whey cans must be used for carrying whey only.

Eating and Drinking Places—Requirements Concerning Sugar Bowls—Cleanliness of Utensils. (Reg. Dairy, Food, and Oil Commissioner, Aug. 25, 1919.)

REG. 17. *Care of sugar bowls.*—All sugar bowls containing granulated sugar which are used in restaurants, hotels, soft-drink places, soda fountains, and ice-cream parlors must be provided with covers and spoons. Bowls containing lump sugar must be provided with covers only.

Regulation No. 11 is hereby amended to read as follows:

REG. 11. *Care of glasses, dishes, etc.*—All glasses, dishes, knives, forks, spoons, and other utensils used in restaurants, cafés, dining rooms, soft-drink places, soda fountains, and ice-cream parlors must be thoroughly washed and rinsed with pure clean hot water and dried and polished with clean towels before being used again.

INDEX.

A.

Actinomycosis. (<i>See</i> Communicable diseases; Morbidity reports.)	
Addicts, drug. (<i>See</i> Drug addicts.)	
Administrative code, civil. (<i>See</i> Civil administrative code.)	
Advertisements—	
(<i>See also</i> Generative organs; Sexual ailments; Venereal diseases.)	
False, deceptive, or misleading, prohibited—	Page.
Arizona.....	53
Oklahoma.....	676
Advisory council of health—State—Appointment, compensation, meetings, and duties—Michigan..	360
Alabama.....	1
Alaska.....	41
Alcohol, wood. (<i>See</i> Wood alcohol.)	
Altering—Rooms, etc., where done—Lighting, ventilation, and airspace—Tennessee.....	829
Amusement—Places of—	
(<i>See also</i> Theaters.)	
Ventilation—Tennessee.....	829
Animal industry—Bureau of—Officers and employees—New York.....	555
Animals—	
(<i>See also</i> Rabies; Slaughterhouses; Slaughtering.)	
Anthrax—Prevention and control—Connecticut.....	112
Asses—	
Destroyed because glandered—Payments to owners—	
New Hampshire.....	516
South Carolina.....	811
Glandered—	
Appraisal and destruction—	
New Hampshire.....	516
South Carolina.....	811
Inspection—South Carolina.....	811
Mallein test—Idaho.....	182
Carcasses—Analysis of contents of, to detect foreign matter or poisonous drugs—Florida.....	151
Cattle—	
Bringing into State—	
Destruction when diseased—Connecticut.....	115
Health certificates—Connecticut.....	115
Quarantine, examination, and testing—Connecticut.....	115
Communicable diseases in—Prevention and suppression—Vermont.....	854
Destroyed because tuberculous—Payments to owners—	
Hawaii.....	167
Idaho.....	181
Illinois.....	196
Indiana.....	219
Iowa.....	239
Nebraska.....	502
New Hampshire.....	516
North Carolina.....	580
Oklahoma.....	672
Oregon.....	738
South Carolina.....	811
South Dakota.....	820
Texas.....	832
Vermont.....	853, 854
Washington.....	860
West Virginia.....	885

Animals—Continued.

Cattle—Continued.

	Page.
Diseased—Rewards for conviction of persons bringing into State—Connecticut.....	114
Examination and testing—Vermont.....	854
Importation—Vermont.....	854
Reacting—Disposal of—Wisconsin.....	911
Tuberculin test—	
Annual appropriation for—Wisconsin.....	910
Connecticut.....	114
Hawaii.....	167
Idaho.....	182
Illinois.....	196
Indiana.....	219
Iowa.....	239
Kansas.....	279
Nebraska.....	502
New York.....	555
Oregon.....	738
When State bears cost of—Wisconsin.....	910
Tuberculosis in—	
Control and eradication—Indiana.....	219
Eradication—	
Connecticut.....	114
Idaho.....	181
Texas.....	832
Examination and testing for—	
Washington.....	860
West Virginia.....	885
Investigation, control, and eradication—South Dakota.....	820
Prevention and control—Nebraska.....	502
Prevention and eradication—Hawaii.....	167
Tuberculous—	
Appraisal—Idaho.....	181
Appraisal and destruction—	
Hawaii.....	167
Illinois.....	196
Indiana.....	219
Nebraska.....	502
New Hampshire.....	516
North Carolina.....	580
Oklahoma.....	672
Oregon.....	738
South Carolina.....	811
South Dakota.....	820
Texas.....	832
Vermont.....	853, 854
Washington.....	860
West Virginia.....	885
Inspection—South Carolina.....	811
Prevention of introduction into State—Oklahoma.....	672
Quarantine—Oregon.....	738
Segregation—Oklahoma.....	672
Communicable diseases in—	
Examination and tests for—New Hampshire.....	516
Powers and duties of commissioner of agriculture concerning—West Virginia.....	885
Prevention and eradication—	
Idaho.....	182
Nebraska.....	501
Prevention and suppression—Measures by owners—New Hampshire.....	516
Prevention, control, suppression, and eradication—New York.....	555
Prevention of spread—Michigan.....	352
Prevention, suppression, control, and eradication—Iowa.....	239
Reports of cases—	
Idaho.....	182
Michigan.....	352
New York.....	555

Animals—Continued.

	Page.
Cows—	
Physical examination—By whom made—New York.....	564
Reactors to tuberculin test—Sale—Connecticut.....	116
Testing of those furnishing milk to cheese factories and creameries—Wisconsin.....	907
Tuberculin test—By whom made—New York.....	564
Dairy herds—Examination and test for tuberculosis—Cities may require—Kansas.....	279
Dead bodies—	
Burning or burial—Alabama.....	40
Business of disposing of—	
Inspection—	
Ohio.....	663
Oregon.....	764
Licenses—	
Iowa.....	267
Ohio.....	663
Oregon.....	764
Sanitary regulation—Iowa.....	267
Sanitary requirements—Oregon.....	764
Disposal—Indiana.....	221
Insanitary disposal unlawful—Oregon.....	766
Dead from disease—Burial or burning of bodies—North Carolina.....	582
Destroyed because affected with glanders or dourine—Payments to owners—South Dakota.....	820
Destroyed because diseased—Payments to owners—	
Idaho.....	182
Michigan.....	352
Missouri.....	439
New York.....	555
West Virginia.....	885
Wisconsin.....	910
Destruction—Alaska.....	46
Diseased—	
Appraisal—Wisconsin.....	910
Appraisal and destruction—	
Missouri.....	439
New York.....	555
West Virginia.....	885
Condemnation, appraisal, and destruction—Michigan.....	352
Examination—Wisconsin.....	911
Movement of—South Dakota.....	820
Quarantine—	
Idaho.....	182
Michigan.....	352
Removal or destruction—	
Claims against State arising from—Wisconsin.....	911
Wisconsin.....	911
Restraint—Missouri.....	443
Sale prohibited—Missouri.....	443
Dogs—	
Killing when having bitten persons—Delaware.....	123
Muzzling and confining—Alabama.....	28
Quarantine and restraint—Michigan.....	352
Quarantine for rabies—Violation of—New York.....	555
Farcy in—Examination, quarantine, and destruction of animals—Connecticut.....	112
Glanders in—Examination, quarantine, and destruction of animals—Connecticut.....	112
Hemorrhagic septicemia in—Prevention and control—Connecticut.....	113
Hog cholera in—Prevention and control—Connecticut.....	113
Hogs—Keeping—Kentucky.....	323
Horses—	
Communicable diseases in—Prevention and suppression—Vermont.....	854
Destroyed because diseased—Payments to owners—Nebraska.....	501
Destroyed because glandered—Payments to owners—	
New Hampshire.....	516
North Carolina.....	580
South Carolina.....	811
Vermont.....	853
Diseased—Appraisal and destruction—Nebraska.....	501
Examination and testing—Vermont.....	854

Animals—Continued.

Horses—Continued.

Glandered—

Appraisal and destruction—

Page.

New Hampshire..... 516

North Carolina..... 580

South Carolina..... 811

Vermont..... 853

Inspection—South Carolina..... 811

Importation—Vermont..... 854

Mallein test—Idaho..... 182

Importation—

Alaska..... 46

Idaho..... 182

Michigan..... 352

New York..... 555

Inspection—Alaska..... 46

Keeping—In third-class cities—Pennsylvania..... 795

Live stock—Affected with communicable disease—

Isolation—North Dakota..... 586

Labeling of meat from—North Dakota..... 586

Sale—North Dakota..... 586

Slaughtering—North Dakota..... 586

Mules—

Communicable diseases in—Prevention and suppression—Vermont..... 854

Destroyed because diseased—Payments to owners—Nebraska..... 501

Destroyed because glandered—Payments to owners—

New Hampshire..... 516

North Carolina..... 580

South Carolina..... 811

Diseased—Appraisal and destruction—Nebraska..... 501

Examination and testing—Vermont..... 854

Glandered—

Appraisal and destruction—

New Hampshire..... 516

North Carolina..... 580

South Carolina..... 811

Inspection—South Carolina..... 811

Importation—Vermont..... 854

Mallein test—Idaho..... 182

Noxious—Control and eradication—Appropriation—Nevada..... 506

Physical examination—New York..... 555

Quarantine—

Alaska..... 46

New York..... 555

When believed infected with communicable disease—Connecticut..... 114

Rabid or suspected of being rabid—Local boards of health to be notified regarding—Delaware..... 123

Regulations concerning, authorized—New York..... 555

Swine—

Business of feeding garbage and offal to—

Inspection—Oregon..... 764

Licenses—Oregon..... 764

Sanitary requirements—Oregon..... 764

Feeding garbage to—Michigan..... 352

Transportation—Alaska..... 46

Anthrax—

(See also Communicable diseases; Morbidity reports; Shaving brushes.)

In animals—Prevention and control—Connecticut..... 112

Antitoxin—

(See also Biologic products; Vaccine.)

Diphtheria—

Free distribution to indigent persons—Indiana..... 285

Furnishing for free use in indigent cases—West Virginia..... 880

Procuring and distribution for free use in certain cases—Connecticut..... 107

Free—Kentucky..... 286

Tetanus—

Free distribution to indigent persons—Indiana..... 205

Procuring and distribution for free use in certain cases—Connecticut..... 107

	Page.
Apartment houses—	
Inspection—Nebraska.....	498
Registration certificates—Nebraska.....	498
Sanitary regulation—Nebraska.....	498
Appropriations—	
Child welfare division—Rhode Island.....	807
Communicable disease hospitals—Construction, maintenance, and repair—In first-class coun- ties—New Jersey.....	518
Communicable diseases—Emergency fund for prevention, control, or suppression of—Porto Rico.....	800
District and assistant district health officers—Vermont.....	851
Hookworm and malaria hospitals—Construction—Porto Rico.....	800
House-to-house canvass for health data—Texas.....	835
Indigent crippled and tuberculous children—Medical and surgical treatment—New Hampshire.....	515
Institute of tropical medicine and hygiene—Porto Rico.....	801
Lepers—Isolation and care of—Texas.....	831
Noxious animals—Control and eradication—Nevada.....	506
Pathological and bacteriological laboratory—Delaware.....	130
Rabies—Control and eradication—Nevada.....	506
Rural sanitation—Cooperative work with United States—Vermont.....	853
State aid to free dispensaries and clinics—Utah.....	841
State board of health—	
Alabama.....	1
Iowa.....	237
Maine.....	330
Nevada.....	506
Wisconsin.....	904
State epidemiologist—Montana.....	464
State tuberculosis commission—Alabama.....	30
State tuberculosis hospital—Montana.....	462
Tuberculin testing of cattle—Wisconsin.....	910
Venereal diseases—	
Delaware.....	123
Iowa.....	230
Michigan.....	349
Utah.....	836
Vermont.....	848
Watercourses—Prevention of pollution—Nevada.....	513
Arizona.....	49
Arkansas.....	55
Ashes—Collection and disposal—In third-class cities—Pennsylvania.....	794
Assembly rooms—	
Cleaning—Kentucky.....	325
Heating—Kentucky.....	325
May be closed during epidemic—Kentucky.....	325
Permit—Required from State board of health—Kentucky.....	325
Ventilation—Kentucky.....	325
Asses. (<i>See</i> Animals.)	
Assignment—	
(<i>See also</i> Venereal diseases.)	
Persons charged with—Examination and treatment for venereal diseases—Ohio.....	588
Persons convicted of—Examination and treatment for venereal diseases—	
Connecticut.....	107
Delaware.....	130
Maine.....	329
New Hampshire.....	515
New York.....	544
North Carolina.....	573
North Dakota.....	585
Vermont.....	849

B.

Baby homes. (*See* Infants.)

Bakeries—

Construction—Kentucky.....	308
Drainage, plumbing, and ventilation—Washington.....	876

Bakeries—Continued.	
Employees—	
Health certificates from—	Page.
Indiana.....	212
Pennsylvania.....	787
Kentucky.....	308
Employment of diseased persons prohibited—Missouri.....	429
Inspection—Missouri.....	429
Sanitary regulation—	
Indiana.....	212
Kentucky.....	308
Pennsylvania.....	787
Use of cellars or basements as—Washington.....	876
Bakery products—	
Manufacture, handling, and sale—	
Indiana.....	212
Kentucky.....	308
Sanitary regulation—Pennsylvania.....	787
Barber schools—	
Compliance with regulations—Utah.....	845
Declared public nuisances when—Utah.....	845
Fumigation—Utah.....	845
Posting regulations in—Utah.....	845
Sanitary conditions—Examination of—Utah.....	845
Sanitary regulation—Delaware.....	142
Sanitary regulations governing—Adoption of—Utah.....	845
Service in, of diseased persons—Utah.....	845
Barber shops—	
Compliance with regulations—Utah.....	845
Declared public nuisances when—Utah.....	845
Fumigation—Utah.....	845
Posting regulations in—Utah.....	845
Required to be kept sanitary—New York.....	570
Sanitary conditions—Examination of—Utah.....	845
Sanitary regulation—	
Alabama.....	1
Delaware.....	142
Kentucky.....	322
Oregon.....	760
Sanitary regulations governing—Adoption of—Utah.....	845
Service in, of diseased persons—Utah.....	845
Barbers—	
Licenses—Utah.....	845
Regulation—	
Kentucky.....	322
Oregon.....	760
Required to be free from communicable diseases—New York.....	570
Sanitary precautions by—Oregon.....	759
State board of examiners—Appointment—Utah.....	845
Bathhouses—	
Construction, operation, or maintenance—Permits—Florida.....	155
Examination and investigation—Florida.....	155
Regulations by State board of health authorized—Florida.....	155
Sanitary regulation—Delaware.....	142
When deemed nuisances—Florida.....	155
Bathing places—	
(See also Swimming pools and appurtenances.)	
Construction, operation, or maintenance—Permits—Florida.....	155
Examination and investigation—Florida.....	155
Regulations by State board of health authorized—Florida.....	155
When deemed nuisances—Florida.....	155
Bathrooms, public—Sanitary regulation—Delaware.....	
	142
Beauty parlor shops—	
Managers, operators, and apprentices of—Examination and licensing—Wisconsin.....	923
Regulation—Wisconsin.....	923
Bedding—	
(See also Mattresses.)	
Making, remaking, labeling, and sale—Illinois.....	201
Secondhand materials used in manufacture of—Sale or shipment—Massachusetts.....	342

Biologic products— (See also Antitoxin; Vaccine.)	Page.
Procuring and distribution for free use in certain cases—Connecticut.....	107
Births—	
Certificates—	
Filing in districts other than where births occurred—Georgia.....	160
How written—Kansas.....	281
Fees of local registrars—Oklahoma.....	675
Nonresident—Sending records to and recording same in places of residence—Wisconsin.....	923
Not previously registered—Registration—	
Porto Rico.....	803
South Dakota.....	822
Wisconsin.....	922
Of children of residents occurring outside State—Registration—Ohio.....	662
Old records of—Compilation, publication, and distribution—Maine.....	333
Records—	
Certified copies—Montana.....	473
Filing and binding—Hawaii.....	169
Records of State—Completion of—Vermont.....	857
Registration—	
Alabama.....	1
California.....	84
Connecticut.....	118
Delaware.....	139
Georgia.....	160
Nebraska.....	475
New Mexico.....	530
New York.....	565
North Carolina.....	582
Oregon.....	747, 755
Reports—New Mexico.....	524
Returns of—Filing with county clerks—Montana.....	473
Boarding houses—Sanitary regulation—Minnesota.....	394
Boarding houses or homes for infants and children. (See Children; Infants.)	
Boards of health— (See also Advisory council of health; Department of health; Health authorities; Public health council; Regulations.)	
City—Establishment, powers, and duties—Nevada.....	506
County—	
Establishment, powers, and duties—Nevada.....	506
How constituted—West Virginia.....	881
Powers—West Virginia.....	881
District—Appointment, powers, and duties—Ohio.....	593
In certain cities—Pensions for employees—Minnesota.....	391
In certain first-class cities—Creation, powers, and duties—Nebraska.....	489
In cities of first class—Tax levy, sale of bonds, etc., for purposes of—Indiana.....	209
In public health districts—Powers and duties—Illinois.....	190
In second-class cities—Creation, powers, and duties—Nebraska.....	490
In third-class cities—Creation, organization, powers, and duties—Pennsylvania.....	787
Local—	
Annual report of activities—To be filed with State board of health—Delaware.....	131
Appointment and powers—Alaska.....	41
Duties—Oregon.....	722
Health physician made member—Iowa.....	238
How constituted—Oregon.....	722
Organization—New York.....	550
Powers—Wisconsin.....	905
Powers and duties—Utah.....	841
Regulations—Authorized to make—New Jersey.....	518
Under control of State board of health—Maine.....	330
State—	
Abolished—Michigan.....	360
Annual appropriations—	
Iowa.....	237
Maine.....	330
Annual report—Connecticut.....	110
Appointment—Wyoming.....	927

Boards of health—Continued.

State—Continued.

	Page.
Appointment, powers, and duties—Oregon.....	722
Appointment, qualifications, meetings, compensation, powers, and duties—New Mexico....	524
Appropriations—	
Alabama.....	
Nevada.....	506
Wisconsin.....	904
Assistant pathologist—Appointment and salary—Rhode Island.....	807
Bureaus—Connecticut.....	110
Child hygiene bureau—Establishment, maintenance, and powers—California.....	59
Child hygiene division—Creation and duties—Missouri.....	421
Child welfare division—	
Appropriations—Rhode Island.....	807
Director—Appointment, qualifications, duties, and compensation—Rhode Island.....	807
Employees—Rhode Island.....	807
Establishment, maintenance, powers, and duties—Rhode Island.....	807
Creation, powers, and duties—Nevada.....	506
Dental assistant secretary—Appointment, powers, duties, and salary—Tennessee.....	823
Division of sanatoria—Establishment—Massachusetts.....	337
Divisions—	
Missouri.....	419
West Virginia.....	881
Employees—New York.....	550
Establishment—Montana.....	463
Expenses—Ordinary and emergency—Delaware.....	130
Gifts of money and property to—Receipt and use—Connecticut.....	110
Headquarters in Jacksonville—Florida.....	150
How constituted—	
Connecticut.....	110
Massachusetts.....	337
Laboratory—	
Examinations and tests by—Oregon.....	726
Nevada.....	506
Local boards of health under control of—Maine.....	330
Material or equipment of—Sale or disposition when unsuitable—Oregon.....	730
Meetings—South Dakota.....	814
Members—Nevada.....	506
Members other than secretary—Compensation—Wisconsin.....	904
Officers and assistants—Appointment, salaries, and expenses—Vermont.....	850
Officers and employees—Appointment and salaries—Kansas.....	277
Pathologist—Appointment, powers, duties, and salary—Rhode Island.....	807
Powers—South Dakota.....	814
Powers and duties—	
Missouri.....	419
West Virginia.....	881
Qualifications and appointment—Montana.....	463
Regulations by—	
Maine.....	330
Making and publication—Florida.....	150
Missouri.....	419
Publication—Kentucky.....	327
Reports to, by board of public welfare—Georgia.....	160
Required to take measures in case of epidemic—Delaware.....	130
Salaries and expenses—Law establishing schedule of, repealed—Nebraska.....	488
Sanitary engineering bureau—Organization and duties—North Carolina.....	576
Seal—Ohio.....	593
Secretary—	
Appointment, salary, and expenses—Vermont.....	850
Duties and salary—Nevada.....	506
Qualifications, appointment, and salary—Montana.....	463
Salary—Rhode Island.....	807
To remain as established—Connecticut.....	110
Tuberculosis bureau—Creation—Oklahoma.....	667
Venereal disease division—	
Establishment—Colorado.....	95
Establishment and duties—Nebraska.....	496
Territorial—Authorized to make regulations—Hawaii.....	165

Boards of health—Continued.

	Page.
Village—	
Appointment—Nebraska.....	490
Regulations by—Nebraska.....	490
Bottles—Soda water—Sterilization—Hawaii.....	169
Buildings—	
For railroad construction or repair work—	
Erection and maintenance—Minnesota.....	412
Sanitary requirements—Minnesota.....	412
Sanitary supervision—Kentucky.....	300
Where persons are employed—Toilets—Connecticut.....	118
Bureau of health. (<i>See</i> Boards of health.)	
Burial—	
(<i>See also</i> Communicable diseases; Dead bodies.)	
Permits—	
Delaware.....	139
Issuance—	
By town clerks—Vermont.....	851
Connecticut.....	118
When immediate burial is necessary—Georgia.....	160
Montana.....	474
Butter. (<i>See</i> Dairy products; Milk and milk products.)	
Butter factories—Licenses—Wisconsin.....	909

C.

California.....	57
Camps—	
Convict—Sanitary supervision—North Carolina.....	583
Labor—Sanitary regulation—	
California.....	93
Oregon.....	762
Tuberculosis—	
Establishment—Approval of—New York.....	549
State—	
Admission and maintenance of patients—Wisconsin.....	899
Certain lands to be used for—Wisconsin.....	902
Establishment—Wisconsin.....	899, 902
Operation—Wisconsin.....	902
Cancer—	
(<i>See also</i> Malignant diseases.)	
Reports of cases—Montana.....	459
Canneries—	
Drinking water—Alaska.....	47
Employees—Ohio.....	610
Floors—Construction—Alaska.....	47
Heating—Alaska.....	47
Inspection—	
Minnesota.....	397
Ohio.....	610
Licenses—	
Michigan.....	364
Ohio.....	610
Wisconsin.....	907
Refuse disposal—Alaska.....	47
Reports and information concerning—Publication—Ohio.....	610
Sanitary regulation—	
Michigan.....	364
Ohio.....	610
Toilets—Alaska.....	47
Wash rooms—Alaska.....	47
Carnivals—Lunch and refreshment stands at—Sanitary regulation—Indiana.....	218
Carriers, common. (<i>See</i> Common carriers; Communicable diseases.)	
Carriers of disease. (<i>See</i> Communicable diseases; Diphtheria; Typhoid fever.)	
Cattle. (<i>See</i> Animals.)	
Cerebrospinal meningitis. (<i>See</i> Communicable diseases; Morbidity reports.)	
Certificates of health. (<i>See</i> Animals; Bakeries; Eating places; Marriages; Superintendents, school; Teachers; Tuberculosis.)	

	Page.
Cesspools—	
To be made fly proof—Minnesota.....	375
When declared nuisances—Maryland.....	335
Chancroid. (<i>See</i> Communicable diseases; Generative organs; Morbidity reports; Sexual ailments; Venereal diseases.)	
Charitable institutions. (<i>See</i> Institutions.)	
Cheese factories—Licenses—Wisconsin.....	909
Chicken pox. (<i>See</i> Communicable diseases; Morbidity reports.)	
Child hygiene—	
Bureau of—	
Creation and duties—Idaho.....	180
Establishment, maintenance, and powers—California.....	59
Division of—Creation and duties—Missouri.....	421
Child welfare—	
Department of—Establishment, powers, and duties—Alabama.....	38
Division of—	
Appropriations—Rhode Island.....	807
Director—Appointment, qualifications, duties, and compensation—Rhode Island.....	807
Employees—Rhode Island.....	807
Establishment, maintenance, powers, and duties—Rhode Island.....	807
Child welfare and social insurance—Commission on—Appointment, powers, and duties—Indiana...	227
Children—	
(<i>See also</i> Day nurseries; Employment; Infants.)	
Boarding homes for—	
Inspection—New York.....	568
Keeping of records—New Jersey.....	519
Licensing—New York.....	568
Licensing, inspection, and regulation—New Jersey.....	519
Care and disposition of, by institutions—Investigation—Ohio.....	588
Employment—Prohibited in certain occupations—	
Alabama.....	37
Missouri.....	444
New York.....	569
Establishments where employed—	
Inspection—Alabama.....	37
Sanitary requirements—Alabama.....	37
Indigent crippled and tuberculous—Medical and surgical treatment—Appropriation—New Hampshire.....	515
Institutions for—Isolation wards in—Kentucky.....	286
Of pre-school age—Promotion of physical welfare of—Utah.....	842
Placing of—	
By maternity homes—Oregon.....	718
Keeping of records—New Jersey.....	519
Licensing, inspection, and regulation—New Jersey.....	519
Chiroprodists—Regulation—Kentucky.....	322
Cholera—	
(<i>See also</i> Communicable diseases; Morbidity reports.)	
Epidemic of—Law allowing extra expenditures in case of, repealed—Connecticut.....	106
Cigar factories—	
Employees—Physical examination—Michigan.....	352
Employment of diseased persons prohibited—Michigan.....	352
Civil administrative code—	
Nebraska.....	475
Public health activities placed under department of public welfare—Idaho.....	176
Clinics—	
(<i>See also</i> Dispensaries.)	
Dental—For pupils—Establishment and maintenance authorized—Iowa.....	237
Establishment, conduct, and maintenance—In counties of 250,000 or more—Wisconsin.....	903
Feeble-minded—Free—Establishment and maintenance—Massachusetts.....	340
Medical, surgical, and dental—Free—Appropriation for State aid to—Utah.....	841
Venereal disease—	
Colorado.....	97
Establishment and conduct—Washington.....	858
Coal mines—	
Lockers—Arkansas.....	56
Shower baths—Arkansas.....	56
Wash houses—Arkansas.....	56
Wash rooms—Ohio.....	663

Code, civil administrative. (<i>See</i> Civil administrative code.)	Page.
Coffins—Sale—Kentucky.....	321
Cold storage—	
Eggs—Sale—Michigan.....	363
Foodstuffs—Inspection and supervision—Massachusetts.....	338
Colorado.....	95
Comfort stations—	
Establishment and maintenance—Wisconsin.....	925
Establishment, equipment, and maintenance in municipalities—Illinois.....	203
In certain cities—	
Appropriations by county to assist in constructing and maintaining—Pennsylvania.....	795
Establishment and maintenance—Minnesota.....	401
Commissioner of health. (<i>See</i> Health officers.)	
Common carriers—	
(<i>See also</i> Communicable diseases.)	
Duties during epidemics—Kentucky.....	283
Common drinking cups—	
May be prohibited in public places—Nebraska.....	475
Prohibited in certain places—Oregon.....	747
Prohibited in public places—	
Alabama.....	1
Kansas.....	280
Kentucky.....	317
Montana.....	473
Common eating and drinking utensils—Prohibited in public places—Kentucky.....	317
Common towels—	
(<i>See also</i> Roller towels.)	
Prohibited in public places—	
Alabama.....	1
Kansas.....	280
Kentucky.....	317
Communicable diseases—	
(<i>See also</i> Animals; Dispensaries; Epidemics; Hospitals; Malignant diseases; Marriages; Morbidity reports; Names of specific diseases; Regulations; Venereal diseases.)	
Attendance at gatherings—	
Alaska.....	41
Kentucky.....	286
New York.....	540
Ohio.....	593
Oregon.....	678, 682
Pennsylvania.....	767
Burial—	
Connecticut.....	118
Minnesota.....	371
Montana.....	474
New Mexico.....	524
Pennsylvania.....	767
Carriers—	
Kentucky.....	286
Quarantine of—Pennsylvania.....	775
Circulars of information—Distribution—Kentucky.....	286
Cleaning of premises—	
Kentucky.....	286
Oregon.....	678
Closing public places—Oregon.....	682
Common carriers—Oregon.....	678, 682
Control—	
Alabama.....	1
Emergency fund for—Appropriation to create—Porto Rico.....	800
In certain cities—Payment of expenses—Kansas.....	270
Measures and requirements for specific diseases—Oregon.....	682
Nevada.....	506
Daily bulletins to school authorities—Pennsylvania.....	767
Dead bodies—Transportation—Minnesota.....	371
Declaring additional diseases communicable—Method of—Pennsylvania.....	767
Destruction of certain contaminated articles—Kentucky.....	286

Communicable diseases—Continued.

Discharges—	
Disinfection—	Page.
Kentucky.....	286
Minnesota.....	376
Disposal—	
Kentucky.....	286
Minnesota.....	371, 376
Disinfection—	
Alaska.....	41
Georgia.....	157
Idaho.....	171
Kentucky.....	286
Michigan.....	344
Minnesota.....	371
Oregon.....	678, 682
Pennsylvania.....	767, 776
Enumeration of—Pennsylvania.....	767
Exposed articles—	
Cleaning and disinfection—Minnesota.....	376
Handling and sale—Pennsylvania.....	767
Sale—Oregon.....	678
Exposure of infected persons—Kentucky.....	286
Exposure to, needlessly prohibited—Kentucky.....	286
Food—	
Handling—	
Kentucky.....	286
Minnesota.....	371
Oregon.....	682
Handling, sale, and distribution—New York.....	541
Funerals—	
From houses under quarantine—Michigan.....	344
Kentucky.....	286
Minnesota.....	371, 376
Required to be private when—Pennsylvania.....	776
Hospitalization—	
Kentucky.....	286
Payment for services and supplies in indigent cases—Michigan.....	351
Incubation periods—	
Kentucky.....	286
Maximum—Pennsylvania.....	776
Oregon.....	682
Infected premises—Letting—	
Ohio.....	593
Pennsylvania.....	767
“Infectious, contagious, or communicable disease”—Diseases included under term specified—	
New York.....	540
Inmates of public institutions—Examination and treatment—Connecticut.....	106
Institutions—Prevention of spread in—Kentucky.....	286
Interference with health officials prohibited—Kentucky.....	286
Introduction into State—Prevention—Connecticut.....	106
Investigation—Alabama.....	1
Isolation—	
Alaska.....	41
Georgia.....	157
Idaho.....	171
Kentucky.....	286
Michigan.....	344
Minnesota.....	376
New Mexico.....	524
Oregon.....	682
Isolation wards in children's institutions—Kentucky.....	286
Library books—	
Minnesota.....	371
Oregon.....	678, 682
List of, may be added to by State board of health—Delaware.....	121
Local sanitary officers to prevent—Appointment by State health officer—Oregon.....	682

Communicable diseases—Continued.

	Page.
Merchandise—Sale—Oregon	682
Patients in lodging houses or hotels—Procedure—Minnesota	371
Placarding—	
Alaska	41
Delaware—Occurring outside incorporated cities or towns	121
Idaho	171
Iowa	228
Kentucky	286
Michigan	344
Ohio	593
Oregon	678, 682
Pennsylvania	767
Precautions by attendants—Kentucky	286
Precautions by physicians—	
Kentucky	286
Ohio	593
Oregon	678
Prevention—	
Emergency fund for—Appropriation to create—Porto Rico	800
In certain cities—Payment of expenses—Kansas	270
Nevada	506
New Mexico	524
Prevention of spread—Adoption and enforcement of regulations—Nebraska	475
Preventive measures—Idaho	171
Prisoners—Examination and treatment—Connecticut	106
Public conveyances—Use by infected persons—	
Oregon	678
Pennsylvania	767
Quarantine—	
Alaska	41
Delaware—Occurring outside incorporated cities or towns	121
Georgia	157
How enforced—Pennsylvania	774
Idaho	171
Iowa	229
Kentucky	286
Michigan	344
Ohio	593
Oregon	678, 682
Pennsylvania	767, 776
Vermont	851
Quarantine guards—Idaho	171
Removal of contaminated articles—Kentucky	286
Removal of infected persons—	
Kentucky	286
New Mexico	524
Oregon	678
Removal of well persons from infected premises—Pennsylvania	767
Renovation—Kentucky	286
Reports by local health authorities—	
Montana	450
Pennsylvania	767
Reports of cases. (See Morbidity reports.)	
Requirements for specific diseases—Michigan	344
Rooms previously occupied by infected persons—	
Occupation—Kentucky	286
Repapering, recalcimining, etc.—Minnesota	379
School attendance—	
Alaska	41
Kentucky	286
Michigan	344
Minnesota	371
Nebraska	503
New York	540
Ohio	593
Oregon	678, 682

Communicable diseases—Continued.

	Page.
School attendance—Continued.	
Pennsylvania.....	767
West Virginia.....	880
Schoolbooks—Minnesota.....	371
Schools—Closing—Minnesota.....	371
Special restrictive measures—Oregon.....	682
Suppression—	
Emergency fund for—Appropriation to create—Porto Rico.....	800
In certain cities—Payment of expenses—Kansas.....	270
Transfer of patients—Minnesota.....	371
Undertakers—Duties—Kentucky.....	286
Unlawful exposure of infected persons—Pennsylvania.....	767
Unlawful exposure of infected persons and things—Ohio.....	593
Unlawful infection of persons—Oregon.....	678
Community sanitation—Instruction in, to pupils—Maine.....	334
Condensaries—Licenses—Wisconsin.....	907
Confectioneries—Employment of diseased persons prohibited—Missouri.....	429
Congress—Requested to appropriate for investigation of influenza—Alabama.....	28
Connecticut.....	106
Contagious diseases. (<i>See</i> Communicable diseases.)	
Convict camps. (<i>See</i> Camps.)	
Coughing—Nose and mouth to be covered—Kentucky.....	317
Cows. (<i>See</i> Animals.)	
Cream—	
(<i>See also</i> Dairy products; Milk and cream; Milk and milk products.)	
Containers—Marking, cleanliness, and handling—California.....	81
Grades—Oklahoma.....	669
Imitation—Sale—New York.....	553
Stations or depots receiving and shipping—Licenses—Wisconsin.....	909
Unwholesome—Sale—New York.....	553
Cream buying stations—Sanitary regulation—Indiana.....	211
Creameries—	
Premises and utensils—Sanitary maintenance required—Iowa.....	242
Reports by persons operating—Iowa.....	242
Cups. (<i>See</i> Common drinking cups; Drinking cups.)	
Cuts likely to impound water—Drainage—Alabama.....	1

D.

Dairy and food inspectors—Special—Appointment and compensation—Wisconsin.....	906
Dairy commissioner, State—	
Appointment, qualifications, salary, powers, and duties—Oklahoma.....	669
Powers and duties—Missouri.....	422
Dairy inspection—Municipalities may contract with each other for—Alabama.....	32
Dairy products—	
(<i>See also</i> Cream; Milk; Milk and cream; Milk and milk products.)	
Analysis—Nebraska.....	491
Assembled—Production and labeling—California.....	81
Containers—Washing and return—Wisconsin.....	907
Frozen—	
Made in semblance of ice cream—Manufacture and sale—Hawaii.....	165
Manufacture and sale—Illinois.....	191
Laws relating to—Codification, revision, and annotation—Minnesota.....	393
Production, manufacture, handling, and sale—	
Missouri.....	422
Montana.....	465
Receptacles—Nebraska.....	491
Sale—Nebraska.....	491
Dairying—	
State bureau of—Establishment—Missouri.....	422
State department of—Establishment—Oklahoma.....	669
Day nurseries—	
Inspection—New York.....	568
Licensing—New York.....	569
Licensing and regulation—Massachusetts.....	341
Physician—Appointment and duties—New York.....	569

Dead animals. (*See Animals.*)

Dead bodies—

(*See also Burial; Communicable diseases; Deaths.*)

Page.

Disinterment—New Mexico..... 535

Interment—New Mexico..... 535

Removal—California..... 88

Transportation—

Florida..... 149

Kentucky..... 321

Minnesota..... 371

New Mexico..... 535

Oregon..... 757

Deaths—

(*See also Burial; Communicable diseases; Dead bodies; Funerals.*)

Certificates—

Errors on—Correction—California..... 87

Filing in districts other than where deaths occurred—Georgia..... 160

How written—Kansas..... 281

Fees of local registrars—Oklahoma..... 675

Nonresident—Sending records to and recording same in places of residence—Wisconsin..... 923

Not previously registered—Registration—

South Dakota..... 822

Wisconsin..... 922

Of residents occurring outside State—Registration—Ohio..... 662

Old records of—Compilation, publication, and distribution—Maine..... 333

Records—

Certified copies—Montana..... 473

Filing and binding—Hawaii..... 169

Records of State—Completion of—Vermont..... 857

Registration—

Alabama..... 1

California..... 84

Connecticut..... 118

Delaware..... 139

Georgia..... 160

Nebraska..... 475

New Mexico..... 530

New York..... 565

North Carolina..... 582

Oregon..... 747, 755

With town clerks—Vermont..... 851

Reports—New Mexico..... 524

Returns of—Filing with county clerks—Montana..... 473

Delaware..... 121

Dengue. (*See Communicable diseases; Morbidity reports.*)

Dental associations, incorporated—Maintaining and conducting certain clinics—First-class cities may aid—New Jersey..... 519

Dental hygienists to clean and keep clean teeth of pupils—Employment—Connecticut..... 119

Dental inspection of pupils. (*See Pupils.*)

Dentists—

(*See also Boards of health; Mouth hygienists; Venereal diseases.*)

Revocation of licenses when drug addicts or convicted of violating drug act—Delaware..... 133

Department of health—

(*See also Boards of health.*)

State—

Creation and powers—New Mexico..... 524

Employees—New Mexico..... 524

Department of public health. (*See Boards of health.*)

Devices for cure of diseases—Labeling—Texas..... 834

Diphtheria—

(*See also Antitoxin; Communicable diseases; Morbidity reports.*)

Carriers—Wisconsin..... 893

Contacts—Placarding and quarantine—Pennsylvania..... 775

Cultures in suspected cases—Kentucky..... 286

Disinfection—Wisconsin..... 893

Quarantine—Wisconsin..... 893

School attendance—Wisconsin..... 893

Diseases—	
(See also Animals; Communicable diseases; Incurable diseases; Malignant diseases; Names of specific diseases.)	Page.
Devices for cure of—Labeling—Texas.....	834
Disinfectants, commercial—Sale, registration, and analysis—South Carolina.....	810
Disinfection. (See Communicable diseases; Diphtheria; Influenza; Railroad cars; Scarlet fever; Tuberculosis.)	
Dispensaries—	
(See also Clinics.)	
Communicable disease—County—Establishment and maintenance—Wisconsin.....	902
Health commissioner authorized to define and classify—Ohio.....	588
Medical, surgical and dental—Free—Appropriation for State aid to—Utah.....	841
Public health and medical—Establishment, conduct, and maintenance—In counties of 250,000 or more—Wisconsin.....	903
Registration with State health department—Ohio.....	588
Reports by, to State health department—Ohio.....	588
Survey and study of—Ohio.....	589
Tuberculosis—	
County—Establishment and maintenance—	
Ohio.....	590
Wisconsin.....	903
Free—Establishment—Oklahoma.....	667
Venereal disease—Maintenance—Alabama.....	1
Districts, health. (See Health districts.)	
Districts, public health. (See Public health districts.)	
Districts, sanitary. (See Sanitary districts.)	
Districts, sewer. (See Sewer districts.)	
Dogs. (See Animals; Rabies.)	
Domestic animals. (See Animals.)	
Drainage investigations—Transfer of certain powers and duties relating to, to drainage board—	
Massachusetts.....	339
Drainagesystems—	
Establishment—West Virginia.....	881
Plans—West Virginia.....	881
Dressing rooms—Places of employment—	
Nebraska.....	504
West Virginia.....	889
Drink places—	
(See also Eating and drinking places.)	
Employees—Physical examination—Michigan.....	352
Employment of diseased persons prohibited—Michigan.....	352
Drinking cups—	
(See also Common drinking cups.)	
Places where women or children under 18 work—Porto Rico.....	803
Required on railroad passenger cars—Minnesota.....	397
Drinking water. (See Water; Water supplies.)	
Drinks. (See Soft drinks.)	
Drug addicts—Commitment—Delaware.....	133
Druggists. (See Pharmacists; Venereal diseases.)	
Drugs—	
Adulteration—	
Kentucky.....	315
Nebraska.....	493
Ohio.....	605
Penalty—Missouri.....	432
Containing wood alcohol—Sale or distribution—Pennsylvania.....	793
Habit-forming—	
Furnishing to or prescribing for habitual users—Minnesota.....	399
Manufacture, possession, sale, dispensing, or distribution—Oklahoma.....	673
Possession, sale, and dispensing—	
Delaware.....	133
Tennessee.....	826
Sale and dispensing—	
Colorado.....	105
Texas.....	834
Labeling—	
Kentucky.....	315
Texas.....	834

Drugs—Continued.

	Page.
Misbranding—	
Alabama.....	32
Kentucky.....	315
Missouri.....	432
Nebraska.....	493
Ohio.....	605
Penalty—Missouri.....	432
Portion of food and drug act relating to—Enforcement of—Kentucky.....	317
Standards—Kentucky.....	315
Dust—	
(See also Employment.)	
Factories—	
Prevention—Missouri.....	445
Removal—Tennessee.....	829
Places of employment—Prevention—	
Missouri.....	444
Nebraska.....	504
Workshops—Prevention—Missouri.....	445
Dwellings—Water-closets—Installation—Minnesota.....	399
Dysentery. (See Communicable diseases; Morbidity reports.)	

E.

Eating and drinking places—

(See also Drink places; Hotels; Restaurants.)

Sugar bowls—Requirements concerning—Wyoming.....	928
Utensils—Sterilization—	
Delaware.....	133
Kansas.....	280
Montana.....	473
Wyoming.....	928

Eating places—

(See also Eating and drinking places; Hotels; Influenza; Restaurants.)

Employees—Health certificates from—Indiana.....	216
Sanitary regulation—	
Indiana.....	216
Kentucky.....	318
Utensils—Sterilization—Indiana.....	216

Educational authorities—Cooperation of, with health authorities—Alabama.....

36

Egg-breaking establishments—

Licensing—Illinois.....	193
Permits—Missouri.....	433

Eggs—

Artificially preserved—Sale—Michigan.....	363
Buying, selling, and trading in—South Dakota.....	817
Candling—	
Indiana.....	215
South Dakota.....	817
Candling and sale—	
Illinois.....	193
Iowa.....	244
Missouri.....	434
Cold storage—Sale—Michigan.....	363
Dealers—Licensing—Missouri.....	434
Handling and sale—Missouri.....	433
Handling, storing, packing, and sale—Kentucky.....	314
Imported—Marking when offered for sale—Washington.....	877
Opening and separating contents from shell—Business of—Licenses—Pennsylvania.....	790
Unfit for food—	
Denaturing—Pennsylvania.....	790
Sale prohibited—Pennsylvania.....	790
When deemed to be—Indiana.....	215

Elections in incorporated towns—Postponement on account of epidemics—Alaska.....

45

Embalmers—

(See also Embalming; Undertakers.)

Licenses—	
Date of expiration—Wisconsin.....	925
Examination for—Minnesota.....	413

Embalmers—Continued.	
Licenses—Continued.	Page.
Oregon.....	759
Renewal—Wisconsin.....	925
Wisconsin.....	925
Embalming—Practice of—	
License required—Michigan.....	367
Wisconsin.....	925
Employees—Smallpox vaccination—Kentucky.....	300
Employment—	
(See also Factories; Foundries; Mills; Refineries; Smelters; Workshops.)	
Places of—	
Cleanliness—Nebraska.....	504
Dressing rooms—	
Nebraska.....	504
West Virginia.....	889
Dust—Prevention—Nebraska.....	504
Dust, smoke, and gases—Prevention—Missouri.....	444
Fumes—Prevention—Nebraska.....	504
Heating—Missouri.....	444
Lavatories—West Virginia.....	889
Lighting—	
Missouri.....	444
Oregon.....	760
Overcrowding prohibited—Missouri.....	444
Privies—Nebraska.....	504
Sanitary arrangements—Missouri.....	444
Sanitary regulation—Minnesota.....	404
Seats for female employees—West Virginia.....	889
Taking of food into certain rooms prohibited—West Virginia.....	889
Ventilation—	
Missouri.....	444
Nebraska.....	504
Water-closets—	
Nebraska.....	504
West Virginia.....	889
Places where women or children under 18 work—	
Cleanliness of, in dust-producing occupations—Porto Rico.....	803
Sanitary drinking cups—Porto Rico.....	803
Ventilation—Porto Rico.....	803
Water supply—Porto Rico.....	803
Employment of children. (See Children.)	
Epidemics—	
(See also Cholera; Communicable diseases; Influenza; Pneumonia; Yellow fever.)	
Duties of common carriers during—Kentucky.....	286
Emergency created by—Necessary expenditures by cities and villages authorized—Illinois.....	188
Postponement of elections on account of—Alaska.....	45
Reports concerning—Oregon.....	682
Epidemiologist, State—	
Appropriations—Montana.....	464
Qualifications, appointment, powers, duties, and compensation—Montana.....	464
Eugenics, State board of—Establishment and duties—Oregon.....	731
Excrement, human—	
Disinfection—Minnesota.....	375
Disposal—	
At hotels, houses, cottages, etc., offering board, etc., to temporary guests—Maryland.....	335
Kentucky.....	300
Maryland.....	335
Minnesota.....	390
F.	
Factories—	
(See also Butter factories; Cheese factories; Employment; Ice cream; Refineries; Smelters; Work-shops.)	
Air space for employees—Tennessee.....	829
Cigar—	
Employees—Physical examination—Michigan.....	352
Employment of diseased persons prohibited—Michigan.....	352
Drinking water—Alaska.....	47

Factories—Continued.

	Page.
Dust—	
Prevention—Missouri.....	445
Removal—Tennessee.....	829
Floors—Construction—Alaska.....	47
Gases—Removal of—Tennessee.....	829
Heating—Alaska.....	47
Lunch rooms—Arkansas.....	55
Posting notices regarding industrial diseases—Missouri.....	417
Privies—Missouri.....	445
Refuse disposal—Alaska.....	47
Sanitary conditions—Inspection of—Tennessee.....	829
Toilets—	
Alaska.....	47
Arkansas.....	55
Connecticut.....	118
Ventilation—	
Missouri.....	445
Tennessee.....	829
Wash rooms—	
Alaska.....	47
Arkansas.....	55
Water-closets—Missouri.....	445
Fairs—Lunch and refreshment stands at—Sanitary regulation—Indiana.....	218
Farcy—	
(See also Animals; Communicable diseases; Morbidity reports.)	
Prevention and suppression—Connecticut.....	112
Favus. (See Communicable diseases; Morbidity reports.)	
Feeble-minded—	
(See also Mental defectives.)	
Free clinics and a registry—Establishment and maintenance—Massachusetts.....	340
Female employees—	
(See also Employment.)	
Seats for—	
Oklahoma.....	676
West Virginia.....	889
Toilet facilities required for—Oklahoma.....	676
Fills likely to impound water—Drainage—Alabama.....	1
First-aid cabinets—Required on railroad trains and interurban electric cars—Michigan.....	369
Florida.....	144
Fly-breeding places prohibited—Delaware.....	133
Food—	
(See also Communicable diseases; Cream; Dairy products; Eggs; Frozen dairy products; Ice cream; Meat; Meat food products; Milk; Milk and cream; Milk and milk products; Sausage.)	
Adulterated—When deemed to be—Oregon.....	735
Adulteration—	
Alabama.....	32
Nebraska.....	493
Ohio.....	605
Penalty—Missouri.....	432
Cold storage—Inspection and supervision—Massachusetts.....	338
Containers—Sale to junk dealers or dealers in second-hand bottles prohibited—Indiana.....	218
Containing wood alcohol—Sale or distribution—Pennsylvania.....	793
Definition—Alabama.....	32
Definitions and standards—Illinois.....	191
Inspection—Municipalities may contract with each other for—Alabama.....	32
Laws relating to—Codification, revision, and annotation—Minnesota.....	393
Misbranding—	
Alabama.....	32
Missouri.....	431
Nebraska.....	493
Ohio.....	605
Penalty—Missouri.....	432
Places where manufactured, handled, or sold—	
Employees—Regulations governing—Mississippi.....	414
Regulations governing—Mississippi.....	414
Places where manufactured, prepared, or sold—Closing when a menace to health—Missouri.....	430

Food—Continued.

Places where prepared or sold—	Page.
Approval—Florida.....	153
Placarding when insanitary—Florida.....	152
Screening required—Florida.....	152
Places where prepared, stored, or sold—	
Employees—Nebraska.....	496
Sanitary regulation—Nebraska.....	496
Utensils—Nebraska.....	496
Places where sold—	
Closing—Alabama.....	1
Inspection and regulation—Alabama.....	1
Preparation and sale—Florida.....	153
Protection—Delaware.....	133
Purity—	
Procedure when act is violated—California.....	82
Standard—California.....	82
Regulations governing—Mississippi.....	414
Rooms where prepared for sale—Use for living or sleeping purposes—Oregon.....	735
Transportation—Vehicles used in—Nebraska.....	496
Unwholesome—	
Destruction—Minnesota.....	394
Sale prohibited—Minnesota.....	394
Wrapping—Use of newspapers prohibited—Hawaii.....	169
Food and dairy inspectors, special—Appointment and compensation—Wisconsin.....	906
Food and drug act—Portion relating to drugs—Enforcement of—Kentucky.....	317
Food and drug commissioner—	
Deputy State—Term of office, duties, and compensation—Missouri.....	435
State—Term of office, duties, and compensation—Missouri.....	435
Food and drug department—Inspectors—Term of office, duties, and compensation—Missouri.....	43
Food places—	
Employees—Physical examination—Michigan.....	352
Employment of diseased persons prohibited—Michigan.....	352
Food poisoning—Reports of cases—Montana.....	459
Foundries—	
(See also Employment.)	
Employees—Health and safety of—Minnesota.....	408
Inspection—Missouri.....	446
Regulation—Minnesota.....	408
Rooms for changing clothes required—Missouri.....	446
Toilet rooms—	
Establishment, maintenance, and sanitation—Pennsylvania.....	796
Missouri.....	446
Wash rooms, shower baths, and water-closets—Arizona.....	52
Water-closets—Establishment, maintenance, and sanitation—Pennsylvania.....	796
Fountains, soda. (See Soda fountains.)	
Fowls—	
(See also Poultry.)	
Dead from disease—Burial or burning of bodies—North Carolina.....	582
Keeping and slaughtering—In third-class cities—Pennsylvania.....	795
Frozen dairy products—	
(See also Ice Cream.)	
Made in semblance of ice cream—Manufacture and sale—Hawaii.....	165
Manufacture and sale—Illinois.....	191
Fumes—Places of employment—Prevention—Nebraska.....	504
Fumigation. (See Barber schools; Barber shops; Communicable diseases.)	
Funerals—	
(See also Communicable diseases; Influenza; Pneumonia.)	
In private houses—Rental or temporary furnishing of certain articles for, prohibited—Pennsylvania.....	783

G.

Garbage—

(See also Refuse.)

Collection and disposal—

Cities and villages under 100,000 may levy tax for—Illinois.....	201
In second-class cities—Kansas.....	281
In third-class cities—Pennsylvania.....	791
Tax levy or bond issue authorized for certain cities and villages—Michigan.....	367
Disposal—In sanitary districts—Indiana.....	222

Gases—	Page.
Certain obnoxious or injurious—Elimination from inclosed working places—Ohio.....	662
Factories—Removal—Tennessee.....	829
Noxious—Protection from—Workmen to have gas masks—Indiana.....	227
Places of employment—Prevention—Missouri.....	444
Generative organs—Diseases of—Advertisements relating to treatment of, prohibited—Pennsylvania.....	777
Georgia.....	157
German measles. (<i>See</i> Communicable diseases; Morbidity reports.)	
Gifts—	
Money and property—Receipt and use by State health department—Connecticut.....	110
To State board of health—By counties and municipalities—To assist in enforcement of venereal disease act—Florida.....	147
Glanders—	
(<i>See also</i> Animals; Communicable diseases; Morbidity reports.)	
Prevention and suppression—Connecticut.....	112
Gonorrhea. (<i>See</i> Communicable diseases; Generative organs; Morbidity reports; Sexual ailments; Venereal diseases.)	
Grasses—	
(<i>See also</i> Vegetation; Weeds.)	
Cutting or destruction—North Dakota.....	587
H.	
Habit-forming drugs. (<i>See</i> Drugs—Habit-forming.)	
Hanson military reservation—Use for recreational or health purposes—Michigan.....	370
Hawaii.....	165
Healing arts—Persons licensed to practice—Annual registration with State health department—Connecticut.....	120
Health authorities—(<i>See also</i> Advisory council of health; Boards of health; Department of health; Health officers; Public health council; Regulations.)	
Cooperation of educational authorities with—Alabama.....	36
Cooperation of, with U. S. Public Health Service in venereal disease work—Colorado.....	97
Local—	
Appointment, powers, and duties—Alabama.....	1
Powers and duties—Michigan.....	360
State—Appointment, powers, and duties—Alabama.....	1
Health certificates. (<i>See</i> Animals; Bakeries; Eating places; Marriages; Superintendents, school; Teachers; Tuberculosis.)	
Health data—House to house canvass to obtain—Appropriation for—Texas.....	835
Health districts—	
Boards of health of—Appointment, powers, and duties—	
Michigan.....	362
Ohio.....	593
Health commissioners of—Appointment, powers, and duties—Ohio.....	593
Municipal and general—Creation—Ohio.....	593
Taxes—Michigan.....	362
Health education—	
State director of—Appointment, powers, and duties—Utah.....	842
Supervisors of—Professional requirements—Utah.....	842
Health insurance commission—Creation, powers, and duties—Pennsylvania.....	797
Health officers—	
(<i>See also</i> Health authorities.)	
Assistant—Appointment and powers—Alaska.....	41
Assistant district—Appointment, duties, fees, and expenses—Vermont.....	851
Assistant State—	
Appointment, qualifications, salary, powers, and duties—Michigan.....	360
Law authorizing employment of, repealed—Florida.....	150
Massachusetts.....	337
City—	
Appointment—West Virginia.....	881
Appointment, powers, duties, and compensation—Nevada.....	506
Conference of—Local health officers urged to attend—Montana.....	465
County—	
Appointment and salary—West Virginia.....	881
Appointment, powers, duties, and compensation—Nevada.....	506
Deputies—Appointment, powers, duties, and compensation—Nevada.....	506
Deputy—Of first-class cities—Appointment, qualifications, powers, and duties—Wisconsin.....	905
Deputy State—	
Appointment, qualifications, duties, and compensation—Pennsylvania.....	785
Salary and expenses—New York.....	550

Health officers—Continued.

District—	Page.
Appointment, powers, and duties—Ohio.....	593
Appointment, powers, duties, salaries, and expenses—Vermont.....	851
Conferences of—Ohio.....	593
Schools of instruction for—Ohio.....	593
Local—	
Appointment—New York.....	550
Appointment and duties—	
Maine.....	330
Missouri.....	419
Appointment, duties, and compensation—Kentucky.....	300
Appointment, powers, duties, and compensation—Oregon.....	722
Appointment, qualifications, compensation, powers, and duties—New Mexico.....	524
Employment of same officer by several municipalities—Maine.....	330
Employment required—Maine.....	330
Filing appointment with State health commissioner—Connecticut.....	111
Full-time—	
Appointment authorized—West Virginia.....	881
Duties—West Virginia.....	881
In municipalities of 5,000 or more—Appointment, duties, salaries, and expenses—Vermont.....	851
Official oath required—Connecticut.....	111
Powers and duties—Utah.....	841
Records to be kept by—Montana.....	465
Removal by State board of health—Oregon.....	722
Reports to State board of health by—Montana.....	464
Salary—State aid under certain circumstances—Maine.....	330
Sanitary surveys by—Kentucky.....	300
Municipal—Powers and duties—Porto Rico.....	802
Of first-class cities—Appointment and qualifications—Wisconsin.....	905
State—	
Administering of oaths by—Ohio.....	593
Appointment, qualifications, salary, powers, and duties—	
Michigan.....	360
New Mexico.....	524
Appointment, salary, powers, and duties—	
Oregon.....	722
West Virginia.....	881
Massachusetts.....	337
Official acts of—Records of—Ohio.....	593
Powers and duties—Connecticut.....	109
Qualifications and duties—Missouri.....	419
Qualifications, appointment, and salary—Montana.....	463
Residence—Florida.....	150
Salary and expenses—New York.....	550
Territorial—Appointment and powers—Alaska.....	41
Health physician made member of local boards of health—Iowa.....	238
Health promotion weeks—Designation and purpose—Illinois.....	189
Hemorrhagic septicemia. (<i>See Animals.</i>)	
Hog cholera. (<i>See Animals.</i>)	
Hogs. (<i>See Animals.</i>)	
Homes for infants or children. (<i>See Children; Infants.</i>)	
Homes, maternity. (<i>See Hospitals.</i>)	
Hookworm disease. (<i>See Communicable diseases; Hospitals; Morbidity reports.</i>)	
Horses. (<i>See Animals.</i>)	
Hospital districts, tuberculosis—Creation—Idaho.....	172
Hospitalization. (<i>See Communicable diseases; Scarlet fever; Smallpox; Tuberculosis; Venereal diseases.</i>)	
Hospitals—	
(<i>See also Leprosy; Typhoid fever.</i>)	
Charitable—Inmates—Surgical operations upon—North Carolina.....	583
Communicable disease—	
Construction, maintenance, and repair—Annual appropriations in first-class counties—	
New Jersey.....	618
County—Establishment—Iowa.....	235
Establishment—Oregon.....	678
Establishment, conduct, and maintenance—In counties of 30,000 or more—Wisconsin.....	898

Hospitals—Continued.

County—	Page.
Appointment of trustees—Iowa.....	236
Communicable disease department—Iowa.....	236
Formulation of regulations to prevent spread of communicable diseases—Iowa.....	236
Maintenance—Iowa.....	236
Name—Iowa.....	236
Tuberculosis department—Iowa.....	236
Tuberculous patients—Care of, at county expense—Iowa.....	236
Detention—	
Establishment by cities and counties authorized—South Dakota.....	814
Persons confined in—Payment of expenses for care of—South Dakota.....	814
For mental defectives—	
Certificates to—Issuance—Oregon.....	717
Inspection—Oregon.....	717
Management and conduct—Rules for, to be prescribed—Oregon.....	717
Reports by—Oregon.....	717
Health commissioner authorized to define and classify—Ohio.....	588
Hookworm disease—Construction and location—Porto Rico.....	800
Influenza—Establishment—Actions of municipalities validated—South Dakota.....	814
Joint county and municipal—Establishment, equipment, and maintenance—Pennsylvania.....	783
Malaria—Construction and location—Porto Rico.....	800
Maternity—	
Defined—Oregon.....	718
Establishment, maintenance, and inspection—Utah.....	843
Inspection—	
Kansas.....	282
Ohio.....	588
Wisconsin.....	903
Licenses—	
Kansas.....	282
Ohio.....	588
Oregon.....	718
Revocation—Indiana.....	226
Wisconsin.....	903
Licensing and regulation—	
Minnesota.....	382
Nebraska.....	475
Placing of children by—Oregon.....	718
Records and reports by—Utah.....	843
Regulation—Kansas.....	282
Regulations governing, to be made—Indiana.....	226
Reports by—Wisconsin.....	903
Supervision—Alabama.....	38
Penal—Inmates—Surgical operations upon—North Carolina.....	583
Persons admitted or committed to—Records of personal and statistical particulars of—Oregon.....	747
Registration with State health department—Ohio.....	588
Reports by, of certain information—Oregon.....	717
Reports by, to State health department—Ohio.....	588
Sanitary regulation—Oregon.....	716
Survey and study of—Ohio.....	589
Tuberculosis—	
Admission, treatment, and maintenance of patients—Idaho.....	172
Belonging to fraternal or mutual benefit societies—Admission of nonmembers—Wisconsin.....	903
Central Michigan—	
Act establishing, repealed—Michigan.....	357
Sale of property—Michigan.....	357
Construction, equipment, and maintenance—Idaho.....	172
Construction for care and treatment of soldiers, sailors, and marines authorized—Maine.....	329
County—	
Admission and maintenance of patients—Wisconsin.....	899
Bonds for—Issuance—Vermont.....	849
Care of certain patients—Massachusetts.....	337
Establishment—	
Arizona.....	49
Procedure when additional money is necessary for—Indiana.....	207
Wisconsin.....	899, 902

Hospitals—Continued.

Tuberculosis—Continued.

County—Continued.

	Page.
Establishment and maintenance—New York.....	545
Establishment, maintenance, and operation—Oregon.....	712
Financial transactions—	
Annual examination of—Minnesota.....	382
Monthly reports of—Minnesota.....	382
Maintenance—Special tax for—North Carolina.....	573
Management and control—Ohio.....	591
Officers—Appointment of—Wisconsin.....	902
Operation—Wisconsin.....	902
State aid to—	
Washington.....	860
Wisconsin.....	902
Taxes for—Ohio.....	591
Treatment of patients—Arizona.....	94
District—	
Establishment and maintenance—Ohio.....	592
Establishment, maintenance, and operation—Oregon.....	710
Purchase by counties—Ohio.....	591
Erection and equipment of additional building for colored patients—Delaware.....	122
Establishment—Approval of—New York.....	549
Establishment and maintenance—California.....	57
Establishment by fraternal or mutual benefit societies—Wisconsin.....	903
Free beds for indigent cases—New Hampshire.....	514
In certain counties—	
Construction and maintenance—Ohio.....	590
Erection or enlargement—Minnesota.....	381
Establishment and maintenance—Minnesota.....	380
Establishment, management, and control—Ohio.....	592
Maintenance—Minnesota.....	381
Payment of expenses—Minnesota.....	380
Taxes for—	
Minnesota.....	380
Ohio.....	592
In cities and villages—Establishment and maintenance—Illinois.....	189
In cities and villages under 100,000—Tax levy for—Illinois.....	190
Joint county—	
Employees—Michigan.....	358
Establishment and maintenance—Michigan.....	358
State aid—Michigan.....	358
Medical directors—Powers and duties—Idaho.....	172
Private—Receiving State aid—Inspection and maintenance—Connecticut.....	109
State—	
Admission and maintenance of indigent patients—Montana.....	462
Admission and maintenance of patients—	
Ohio.....	589
Oklahoma.....	667
Wisconsin.....	899
Admission of ex-service men—Montana.....	462
Admission of indigent patients—Missouri.....	418
Admission of patients—	
Iowa.....	235
Oregon.....	709, 710
Appropriation—Montana.....	462
Care of indigent patients—Collection of fees from counties and cities for—Missouri.....	419
Erection and maintenance of buildings at, instead of in county—North Carolina.....	573
Establishment—	
Indiana.....	206
Wisconsin.....	899
Establishment, equipment, operation, and maintenance—Oklahoma.....	667
Governor authorized to provide site—Alabama.....	30
Inspection by State board of health—Indiana.....	206
Law relating to examining physicians repealed—Iowa.....	235
Officers and employees—Iowa.....	235
Officers, assistants, and employees—Salaries and allowances—Michigan.....	357

Hospitals—Continued.

Tuberculosis—Continued.

State—Continued.

	Page.
Sale of site—Alabama.....	30
Superintendent—Duties of—Oregon.....	710
Superintendents and employees—Oklahoma.....	667
Trustees—Appointment, compensation, powers, and duties—Indiana.....	206
State aid—California.....	57
Supervision and regulation—Ohio.....	590
Veneral disease—	
County—Establishment, equipment, and maintenance—Iowa.....	230
Montana.....	453
Taking over portions of prisons for hospital purposes—Georgia.....	153
Hotel and cafe inspector, State—Appointment, powers, and duties—Alabama.....	33
Hotel and cafe inspectors, assistant State—Appointment, powers, and duties—Alabama.....	33
Hotel commissioner—To assist in enforcing certain orders of State board of health—Kansas.....	277
Hotel division in office of State fire marshal—Creation—Ohio.....	613

Hotels—

(See also Eating and drinking places; Eating places; Restaurants.)

Certain provisions of law not applicable to—Iowa.....	266
Certificates—Posting—Alabama.....	33
Disposal of human excrement—Maryland.....	335
Drinking water—Maryland.....	335
Employees—Ohio.....	613
Employment of diseased persons prohibited—Missouri.....	429
Insanitary conditions—Correction—Alabama.....	33
Inspection—	
Alabama.....	33
Montana.....	470
Nebraska.....	498
Ohio.....	613
Licenses—Ohio.....	613
Registration certificates—Nebraska.....	498
Regulations authorized—Alabama.....	33
Sanitary regulation—	
Iowa.....	265
Kentucky.....	318
Minnesota.....	394
Montana.....	470
Nebraska.....	498
Ohio.....	613
Oregon.....	716, 737
Sanitary requirements—Alabama.....	33
Septic tanks or privies required when—Kentucky.....	320
Houses offering board, etc., to temporary guests—	
Disposal of human excrement—Maryland.....	335
Drinking water—Maryland.....	335
Housing code—Establishment by boards of health of third-class cities—Wisconsin.....	922
Housing law—Iowa.....	247
Housing sanitation—Kentucky.....	325
Human body—Contents of—Analysis to detect foreign matter or poisonous drugs—Florida.....	151
Hygiene, personal—Instruction in, to pupils—Maine.....	334
Hypnotic drugs. (See Drugs—Habit-forming.)	
Hypodermic instruments—Possession and sale—Delaware.....	133

I,

Ice cream—

(See also Frozen dairy products.)

Adulterated—When deemed to be—

Connecticut.....	111
Hawaii.....	165
Oregon.....	735
Adulteration—Tennessee.....	824
Definition—Illinois.....	191
Definition and standardization—Tennessee.....	824
Factories—Licenses—Tennessee.....	824
Imitation—Sale and labeling—Iowa.....	242
Manufacture—Indiana.....	216

Ice cream—Continued.	
Manufacture and sale—	Page.
Connecticut.....	111
Illinois.....	191
Missouri.....	435
Milk and cream used in—Grade of—Delaware.....	131
Misbranding—Tennessee.....	824
Places where prepared or sold—	
Placarding when insanitary—Florida.....	152
Screening required—Florida.....	152
Receptacles—Kentucky.....	301
Sale—Oregon.....	735
Standards—Illinois.....	191
Unwholesome—When deemed to be—Oregon.....	735
Ice cream parlors—	
(See also Refreshment places; Refreshment stands.)	
Sanitary regulation—Ohio.....	609
Utensils—Sterilization—	
Hawaii.....	168
Ohio.....	609
Ice supplies—	
Investigation and protection—Connecticut.....	117
Supervision and control—Wisconsin.....	913
Idaho.....	171
Illinois.....	186
Illness—Certain types of—Reports of cases by certain persons—Pennsylvania.....	777
Incubation periods. (See Communicable diseases.)	
Incurable diseases except mental defect or leprosy—	
Admission of affected persons to State institutions or infirmaries—Massachusetts.....	340
Expense of maintenance of affected persons in State institutions or infirmaries—Massachusetts.....	340
Indiana.....	205
Industrial camps. (See Camps.)	
Industrial diseases—	
(See also Morbidity reports.)	
Posting notices in factories and work places—Missouri.....	417
Powers and duties of State industrial inspector—Missouri.....	417
Reports of cases by secretary of State board of health to State industrial inspector—Missouri.....	417
Infantile paralysis. (See Communicable diseases; Morbidity reports.)	
Infants—	
(See also Children; Day nurseries.)	
Boarding houses for—	
Licenses—Revocation—Indiana.....	226
Regulations governing, to be made—Indiana.....	226
Homes for—	
Inspection—	
Kansas.....	282
Wisconsin.....	903
Licenses—	
Kansas.....	282
Wisconsin.....	903
Licensing and regulation—	
Minnesota.....	384
Nebraska.....	475
Regulation—	
Kansas.....	282
Minnesota.....	387
Reports by—Wisconsin.....	903
Utah.....	843
Placing of—	
Licenses—Revocation—Indiana.....	226
Regulations governing, to be made—Indiana.....	226
Smallpox vaccination—Kentucky.....	300
Infectious diseases. (See Communicable diseases.)	
Influenza—	
(See also Communicable diseases; Hospitals; Morbidity reports.)	
Attendance at gatherings—Wisconsin.....	891
Cleaning of premises—Illinois.....	186
Disinfection—Wisconsin.....	891
Epidemics—Payment of expenses by counties—Arizona.....	49

Influenza—Continued.

	Page.
Funerals—	
Attendance at—Wisconsin.....	891
Illinois.....	186
Instructions by physicians—Illinois.....	186
Investigation—Congress requested to appropriate for—Alabama.....	28
Isolation—	
Illinois.....	186
Kansas.....	270
Minnesota.....	374
Wisconsin.....	891
Placarding—	
Illinois.....	186
Kansas.....	270
Minnesota.....	374
Wisconsin.....	891
Precautionary measures—Illinois.....	186
Prevention of spread—	
Powers and duties of health authorities—Alaska.....	44
Regulations authorized—Alaska.....	44
Preventive measures—Illinois.....	186
Public eating places—Minnesota.....	374
Public meetings and gatherings—Minnesota.....	374
Quarantine—	
Illinois.....	186
Iowa.....	229
Kansas.....	270
Minnesota.....	374
Wisconsin.....	891
Removals—Illinois.....	186
Reports of cases—	
Delaware.....	121
Illinois.....	186
Kansas.....	270
West Virginia.....	878
Wisconsin.....	891
Restrictions during epidemic—Wisconsin.....	891
Spitting in public places—Illinois.....	186
Treatment of cases—Actions of municipalities validated—South Dakota.....	814
Inoculation not a condition precedent—North Dakota.....	585
Institute of tropical medicine and hygiene—	
Appropriations—Porto Rico.....	801
Object—Porto Rico.....	801
Operation—Porto Rico.....	801
Organization—Porto Rico.....	801
Report to legislature—Porto Rico.....	801
Institutions—	
(See also Regulations.)	
Charitable—	
Inmates—	
Examination and quarantine for venereal diseases—Utah.....	838
Examination and treatment for venereal diseases—Colorado.....	97
Examination, isolation, quarantine, and treatment for venereal diseases—Wisconsin.....	895
Surgical operations upon—North Carolina.....	583
State aid to certain—Oregon.....	718, 719
System, condition, and management—Investigation of—Ohio.....	588
Communicable diseases in—Prevention of spread—Kentucky.....	286
Correctional—System, condition, and management—Investigation of—Ohio.....	588
For children—Isolation wards—Kentucky.....	286
Inmates—	
Examination, quarantine, and treatment for venereal diseases—Delaware.....	124
Records of personal and statistical particulars of—Oregon.....	747
Penal—Inmates—	
Examination, isolation, quarantine, and treatment for venereal diseases—Wisconsin.....	895
Surgical operations upon—North Carolina.....	583
Public—Inmates—Examination and treatment for communicable or malignant diseases—Connecticut.....	106
Reports by, of certain information—Oregon.....	717

Institutions—Continued.	
State—	Page.
Inmates—Medical treatment of—Vermont.....	853
Inmates of certain—Sterilization—Connecticut.....	120
Venereally infected persons in—Record and treatment of—Oklahoma.....	665
Intoxicating liquors, confiscated—Delivery to and use by county boards of health—Montana.....	474
Iowa.....	228
Isolation. (<i>See</i> Communicable diseases; Influenza; Paratyphoid fever; Scarlet fever; Smallpox; Typhoid fever; Venereal diseases.)	
J.	
Jelly containers—Sterilization—Hawaii.....	169
K.	
Kansas.....	270
Kentucky.....	286
L.	
Labor camps. (<i>See</i> Camps.)	
Labor commissioner—Powers and duties—Alaska.....	47
Laboratory—	
Bacteriological—Establishment and control—Connecticut.....	107
Erection and maintenance—For joint use of State health department and agricultural experiment station—Connecticut.....	108
Pathological and bacteriological—Annual appropriation—Delaware.....	130
State—Erection and equipment—Alabama.....	28
State board of health—	
Examinations and tests by—Oregon.....	726
Nevada.....	506
Land used for dairy purposes or for grazing milk cows—Unlawful disposal of refuse or sewage on, by adjoining owners—North Carolina.....	575
Lavatories—Places of employment—West Virginia.....	889
Leprosy—	
(<i>See also</i> Communicable diseases; Morbidity reports.)	
Asylum—Construction, equipment, and operation—Porto Rico.....	799
Isolation and care of cases—Appropriation for—Texas.....	831
Marriage of infected persons prohibited—Porto Rico.....	799
Reports of cases—Porto Rico.....	799
State home—Law providing for, repealed—Texas.....	831
Lethargic encephalitis—	
(<i>See also</i> Communicable diseases; Morbidity reports.)	
Reports of cases—California.....	57
Lewdness—	
(<i>See also</i> Venereal diseases.)	
Persons charged with—Examination and treatment for venereal diseases—Ohio.....	588
Persons convicted of—Examination and treatment for venereal diseases—	
Connecticut.....	107
Delaware.....	130
Maine.....	329
New Hampshire.....	515
New York.....	544
North Dakota.....	585
Vermont.....	849
Library books. (<i>See</i> Communicable diseases.)	
Liquid waste—Discharge into streams, etc., by industrial plants—Michigan.....	367
Liquor—Purity—	
Procedure when act is violated—California.....	82
Standard—California.....	82
Live stock. (<i>See</i> Animals.)	
Lockers—Coal mines—Arkansas.....	56
Lodging houses—Sanitary regulation—Minnesota.....	394, 402
Lunch counters—Employment of diseased persons prohibited—Missouri.....	429
Lunch rooms—Factories—Arkansas.....	55
Lunch stands at fairs, carnivals, etc.—Sanitary regulation—Indiana.....	218
Lying-in homes or hospitals. (<i>See</i> Hospitals.)	

M.

	Page
Maine.....	328
Malaria—	
(See also Communicable diseases; Hospitals; Morbidity reports.)	
Prevention—Alabama.....	1
Malignant diseases—	
(See also Cancer; Communicable diseases.)	
Examination and treatment of certain persons for—Connecticut.....	106
Mallein—Disposition and use—New York.....	555
Manicures—Regulation—Kentucky.....	322
Manufacturing—Rooms, etc., where done—Lighting, ventilation, and air space—Tennessee.....	829
Manure—Disposal—Kentucky.....	323
Marriages—	
(See also Leprosy; Mental defectives; Syphilis; Venereal diseases.)	
Licenses—Reports to State board of health of issuance of—Nevada.....	506
Male applicants for licenses—	
Examination for venereal diseases—Alabama.....	30
Health certificates required of—Alabama.....	30
Nonresident—Sending records to and recording same in places of residence—Wisconsin.....	923
Not previously registered—Registration—Wisconsin.....	922
Old records of—Compilation, publication, and distribution—Maine.....	333
Records—Filing and binding—Hawaii.....	169
Records of State—Completion of—Vermont.....	857
Registration—	
California.....	84
Delaware.....	139
Reports—	
By county clerks—Oregon.....	747, 755
New Mexico.....	524
Maryland.....	335
Massachusetts.....	336
Maternity homes or hospitals. (See Hospitals.)	
Mattresses—	
(See also Bedding.)	
Making, remaking, labeling, and sale—Missouri.....	447
Measles. (See Communicable diseases; Morbidity reports.)	
Meat—	
(See also Food; Meat food products; Sausage.)	
Fresh—Peddling or hawking—Wyoming.....	927
Preparation and sale—Kentucky.....	310
Meat and herd inspectors, county—Appointment, qualifications, compensation, powers, and duties—	
Oregon.....	733
Meat food products—	
(See also Food; Sausage.)	
Preparation and sale—Kentucky.....	310
Medical council—Issuance of certificates by—State board of health to be notified—Delaware.....	131
Medical inspection of school children. (See Pupils.)	
Medicine—	
(See also Venereal diseases.)	
Labeling—Texas.....	834
Patent—Registration—Porto Rico.....	803
Places where manufactured, prepared, or sold—Closing when a menace to health—Missouri.....	430
Membranous croup. (See Communicable diseases; Diphtheria; Morbidity reports.)	
Meningitis. (See Communicable diseases; Morbidity reports.)	
Mental defectives—	
(See also Feeble minded; Hospitals.)	
Marriage of—Kansas.....	281
Sterilization—	
Alabama.....	39
Connecticut.....	120
Oregon.....	731
Training school for—	
Commitment of persons to—Georgia.....	161
Establishment, management, and operation—Georgia.....	161
Treatment and discharge of patients—Georgia.....	161
Treatment—Alabama.....	39
Merchandise—Wrapping—Use of newspapers prohibited—Hawaii.....	169

Methyl alcohol. (<i>See</i> Wood alcohol.)	Page.
Michigan.....	344
Midwifery—Regulation—Alabama.....	1
Midwives—Registration—Wisconsin.....	902
Military reservation, Hanson—Use for recreational or health purposes—Michigan.....	370
Milk—	
(<i>See also</i> Food.)	
Adulterated—	
Sale unlawful—Tennessee.....	823
When deemed to be—Hawaii.....	165
Bottles—Sterilization—Hawaii.....	169
Certified—Sale—New York.....	553
Containers—	
Marking, cleanliness, and handling—California.....	81
Washing and return—Wisconsin.....	907
Grade B—Requirements—California.....	77
Imitation—Manufacture, sale, and use—California.....	79
Imitation evaporated—	
Labeling—Iowa.....	242
Sale—Iowa.....	242
Pasteurization—California.....	77
Production and handling—Florida.....	151
Skimmed—	
Adulterated or misbranded—When deemed to be—Iowa.....	242
Sale—Iowa.....	242
Stations or depots receiving and shipping—Licenses—Wisconsin.....	909
Unwholesome—Sale—New York.....	553
Milk and cream—	
Adulterated or misbranded—When deemed to be—Iowa.....	242
Dairies, etc., buying, on basis of butter-fat content—Licenses—Tennessee.....	824
Defined—	
Illinois.....	191
New York.....	553
Grade B pasteurized—Delivery—New York.....	554
Production, handling, and sale—	
Delaware.....	131
Kentucky.....	301
Receptacles—	
Cleaning—New Hampshire.....	515
Cleanliness when returned to dealer—Maine.....	333
Use for other purposes prohibited—New Hampshire.....	515
Sale—	
Iowa.....	242
New York.....	553
Standards—Illinois.....	191
Milk and milk products—	
Analyses—Publication of results of—Maine.....	331
Pasteurization—Oklahoma.....	669
Production, handling, and sale—	
Arizona.....	49
Indiana.....	209
Production, manufacture, handling, and sale—Washington.....	860
Milk dealers—	
Premises and utensils—Sanitary maintenance—Iowa.....	242
Registration—Maine.....	331
Reports by—Iowa.....	242
Milk plants—	
Premises and utensils—Sanitary maintenance required—Iowa.....	242
Reports by persons operating—Iowa.....	242
Mills—	
(<i>See also</i> Employment.)	
Certain kinds of—Establishment, maintenance, and sanitation of toilet rooms and water-closets in—Pennsylvania.....	796
Mines. (<i>See</i> Coal mines.)	
Minnesota.....	371
Mississippi.....	414
Missouri.....	415
Montana.....	450

Morbidity reports—

Page.

Cancer—Montana..... 459

Certain types of illness—Pennsylvania..... 777

Communicable diseases—

Alabama..... 1

Alaska..... 41

Florida..... 144

Idaho..... 171

Kentucky..... 286

Michigan..... 344

Montana..... 450

Nebraska..... 475

New Mexico..... 524

Occurring outside incorporated cities or towns—Delaware..... 121

Oregon..... 678,682

Pennsylvania..... 767

Utah..... 836

Vermont..... 851

West Virginia..... 881

Wisconsin..... 891

Communicable diseases in animals—

Idaho..... 182

Michigan..... 352

New York..... 555

Food poisoning—Montana..... 459

Industrial diseases—

Alabama..... 1

Oregon..... 682

Influenza—

Delaware..... 121

West Virginia..... 878

Wisconsin..... 891

Leprosy—Porto Rico..... 799

Lethargic encephalitis—California..... 57

Ophthalmia neonatorum—

Colorado..... 97

Minnesota..... 373

Oregon..... 703

Rhode Island..... 806

West Virginia..... 878

Paratyphoid fever—Delaware..... 121

Pellagra—Montana..... 459

Tuberculosis—

Delaware..... 122

Maine..... 328

Oregon..... 703

Typhoid fever—By hospitals to State board of health—Minnesota..... 375

Venereal diseases—

Alabama..... 1

Alaska..... 41

Colorado..... 95, 97

Delaware..... 123, 124

Florida..... 147

Iowa..... 230

Penalty for failure of physicians to report..... 230

Kansas..... 271

Kentucky..... 297

Massachusetts..... 336

Michigan..... 344, 349

Minnesota..... 376

Missouri..... 415

Montana..... 453, 456

Nebraska..... 486

North Carolina..... 571

North Dakota..... 584

Oregon..... 704, 705

South Carolina..... 809

Morbidity reports—Continued.

Venereal diseases—Continued.	Page.
South Dakota.....	813
Utah.....	836, 838
Vermont.....	848
Wisconsin.....	894, 895
Mosquito-breeding areas—Drainage and treatment—Connecticut.....	108
Mosquito-breeding places prohibited—Delaware.....	133
Mosquitoes—County extermination commissions—Estimates, plans, and methods—New Jersey.....	520
Motion pictures relating to venereal diseases—Exhibition—Permit required—Connecticut.....	107
Mouth hygiene—Courses of instruction in, for pupils authorized—Iowa.....	237
Mouth hygienists, county—Appointment—Tennessee.....	823
Mules. (<i>See</i> Animals.)	
Mumps. (<i>See</i> Communicable diseases; Morbidity reports.)	
Municipality defined—New York.....	570

N.

Narcotic drugs. (<i>See</i> Drugs—Habit-forming.)	
Neponset River—Protection of public health in valley of—Expenditures authorized—Massachusetts.....	340
Nevada.....	506
New Hampshire.....	514
New Jersey.....	518
New Mexico.....	524
New York.....	540
Nonalcoholic drinks. (<i>See</i> Soft drinks.)	
North Carolina.....	571
North Dakota.....	584
Nuisances—	
Abatement—	
Alabama.....	1
By municipalities—Alabama.....	39
Hawaii.....	169
Kentucky.....	300, 326
Minnesota.....	387
New Mexico.....	524
Barber shops or schools declared to be, when—Utah.....	845
Definition—Alabama.....	1
Destruction—Alabama.....	1
Enjoining—By municipalities—Alabama.....	39
Investigation—Kentucky.....	326
Prevention—New Mexico.....	524
Privies, cesspools, etc., declared to be, when—Maryland.....	335
Reports of—New Mexico.....	524
Swimming pools, bathing places, and bathhouses deemed to be, when—Florida.....	155
Nurses—	
(<i>See also</i> Trained attendants to care for sick.)	
Graduate trained—Counties authorized to employ—Duties and salary—Idaho.....	181
Public health—	
Appointment by local boards of health—Ohio.....	604
County—	
Employment and duties—	
California.....	74
South Dakota.....	816
Employment, qualifications, and duties—Wisconsin.....	906
Duties—	
Minnesota.....	393
Oregon.....	730
Employment and duties—Iowa.....	238
Employment by counties, cities, towns, and villages authorized—Minnesota.....	393
In cities and towns—Employment and duties—California.....	74
Qualifications—Resolution prescribing certain, repealed—New York.....	553
Revocation of licenses when drug addicts or convicted of violating drug act—Delaware.....	133
School—	
Employment—West Virginia.....	880
Professional requirements—Utah.....	842
Tuberculosis instructing and visiting—In counties—Appointment, compensation, and duties—	
Ohio.....	590
Visiting—County—Appointment and duties—Oregon.....	712
Nursing associations, public health—Fund for maintenance—Tax in certain cities for—Kansas.....	278
Nursing, State bureau of—Establishment and personnel—Oregon.....	730

O.

	Page.
Oaths—Administering of—By certain State health officials—Ohio.....	593
Occupational diseases. (<i>See</i> Industrial diseases.)	
Offenses against the public health—Penalty—Missouri.....	419
Offensive substances—Insanitary disposal unlawful—Oregon.....	766
Ohio.....	588
Oklahoma.....	665
Ophthalmia neonatorum—	
(<i>See also</i> Communicable diseases; Morbidity reports.)	
Duties of health authorities—	
Oregon.....	703
West Virginia.....	878
Duties of physicians, midwives, hospitals, local health officers, etc.—Minnesota.....	373
Person in charge of infant to notify physician—Maine.....	328
Prevention—Alabama.....	1
Preventive treatment—	
Maine.....	328
Minnesota.....	373
New Hampshire.....	514
Rhode Island.....	806
West Virginia.....	878
Reports of cases—	
Colorado.....	97
Minnesota.....	373
Oregon.....	703
Rhode Island.....	806
West Virginia.....	878
Ordinances—	
(<i>See also</i> Regulations.)	
Health—Transmission of copies to insular health commissioner—Porto Rico.....	802
Oregon.....	678
Overcrowding—Places of employment—Prohibited—Missouri.....	444

P.

Paragonimiasis. (<i>See</i> Communicable diseases; Morbidity reports.)	
Paratyphoid fever—	
(<i>See also</i> Communicable diseases; Morbidity reports.)	
Blood samples in suspected cases—Kentucky.....	286
Isolation—Minimum period—New York.....	541
Reports of cases—Delaware.....	121
Pasteur Institute—Erection and equipment—Alabama.....	28
Patent medicine. (<i>See</i> Medicine.)	
Pellagra—Reports of cases—Montana.....	459
Pennsylvania.....	767
Pensions for employees of health departments in certain cities—Minnesota.....	391
Pharmacists—	
(<i>See also</i> Venereal diseases.)	
Revocation of licenses when drug addicts or convicted of violating drug act—Delaware.....	133
Philippine Islands.....	795
Physical education—Instruction in, to pupils—Maine.....	334
Physical examination of school children. (<i>See</i> Pupils.)	
Physicians—	
Registration—Wisconsin.....	902
Revocation of licenses when drug addicts or convicted of violating drug act—Delaware.....	133
Pits likely to impound water—Drainage—Alabama.....	1
Placarding. (<i>See</i> Communicable diseases; Diphtheria; Influenza; Pneumonia; Scarlet fever; Smallpox; Tuberculosis; Venereal diseases.)	
Plague. (<i>See</i> Communicable diseases; Morbidity reports.)	
Plumbers—	
Examination and licensing—Iowa.....	245
Licenses—	
Porto Rico.....	805
Wisconsin.....	918
One class only—Porto Rico.....	805
Plumbing—	
Regulation and inspection—Wisconsin.....	918
Rules governing—Adoption by certain cities and State board of health—Iowa.....	245

Pneumonia—	
(See also Communicable diseases; Morbidity reports.)	Page.
Epidemics—Payment of expenses by counties—Arizona.....	49
Funerals—Minnesota.....	374
Placarding—Minnesota.....	374
Police, sanitary—Appointment by local boards of health—Ohio.....	604
Poliomyelitis. (See Communicable diseases; Morbidity reports.)	
Ponds, great—Use of—Investigation and report relating to—Massachusetts.....	339
Poor farms—	
Certificates to—Issuance—Oregon.....	717
Inspection—Oregon.....	717
Management and conduct—Rules for, to be prescribed—Oregon.....	717
Reports by—Oregon.....	717
Porto Rico.....	799
Poultry—	
(See also Fowls.)	
Picking and chilling—Indiana.....	216
Water-soaked—Sale prohibited—Indiana.....	216
Practitioners of the healing arts—Annual registration with State health department—Connecticut..	120
Prisoners—	
(See also Institutions.)	
Examination and treatment for communicable or malignant diseases—Connecticut.....	106
Examination and treatment for venereal diseases—	
Alabama.....	1
Colorado.....	95, 97
Delaware.....	123
Montana.....	453
North Carolina.....	571
North Dakota.....	584
Oklahoma.....	665
Oregon.....	704, 705
Washington.....	858
Examination, isolation, quarantine, and treatment for venereal diseases—Wisconsin.....	895
Examination, treatment, and isolation for venereal diseases—	
Florida.....	147
South Carolina.....	800
Examination, treatment, and quarantine for venereal diseases—	
Rhode Island.....	806
South Dakota.....	813
Utah.....	836, 838
Requiring hospital care—Segregation and treatment—Alabama.....	29
Tuberculous—Segregation and treatment—Alabama.....	29
Prisons—Taking over portions for use as venereal-disease hospitals—Georgia.....	158
Privies—	
(See also Toilets; Water-closets.)	
Construction—Requirements to be met—Florida.....	154
Construction and maintenance—	
North Carolina.....	576
Regulation of, by local boards of health—New Jersey.....	518
Factories—Missouri.....	445
Inspection—North Carolina.....	576
Installation—Alabama.....	1
Installation and maintenance at schools—North Carolina.....	578
Licenses—North Carolina.....	576
Maintenance—Alabama.....	1
Places of employment—Nebraska.....	504
Prohibited where sewer connections are possible—Delaware.....	139
Railroad stations—Kentucky.....	324
Required at hotels, restaurants, schools, etc., when—Kentucky.....	320
Required at schools when—Kentucky.....	325
Required to be fly proof—	
Delaware.....	139
Florida.....	154
Schools—Oregon.....	747
To be made fly proof—Minnesota.....	375
Types recommended and approved—Florida.....	154
When declared nuisances—Maryland.....	335
Workshops—Missouri.....	445

Proprietary medicine. (*See* Medicine.)

Prostitutes—

(*See also* Prostitution; Venereal diseases.)

Examination—

Alabama.....	1
Oregon.....	705
Infected—Placarding premises of—Colorado.....	97
Removal—Colorado.....	97

Prostitution—

(*See also* Prostitutes; Venereal diseases.)

Persons charged with—Examination and treatment for venereal diseases—Ohio.....	588
Persons convicted of—Examination and treatment for venereal diseases—	

Connecticut.....	107
Delaware.....	130
Maine.....	329
New Hampshire.....	515
New York.....	544
North Carolina.....	573
North Dakota.....	585
Vermont.....	849

Repression—

Alabama.....	1
Colorado.....	95, 97
Delaware.....	123
Iowa.....	230
Kansas.....	271
Kentucky.....	297
Minnesota.....	376
Missouri.....	415
Montana.....	453
Nebraska.....	486
North Carolina.....	571
North Dakota.....	584
Oregon.....	704
South Dakota.....	813
Utah.....	836, 838
Washington.....	858

Public health—

Offenses against—Penalty—Missouri.....	419
--	-----

Protection of—

Certain first-class cities may provide by ordinance for—Nebraska.....	489
First-class cities may provide by ordinance for—Nebraska.....	489
Powers of mayor and council in cities of 100,000 or over—Nebraska.....	488
Second-class cities may enact ordinances for—Nebraska.....	490

Things detrimental to—Abatement—Hawaii.....

.....	169
-------	-----

Public health activities placed under department of public welfare—Idaho.....	176
---	-----

Public health council—

Number, qualifications, appointment, and expenses—Connecticut.....	109
Official acts of—Records of—Ohio.....	593
Powers and duties—West Virginia.....	881

Secretary—Administering of oaths by—Ohio.....	593
---	-----

Public health districts—Boards of health of—Powers and duties—Illinois.....	190
---	-----

Public health instructors, county—Employment, qualifications, and duties—Wisconsin.....	906
---	-----

Public health nurses. (*See* Nurses.)

Public health purposes—Issuance and sale of municipal bonds for—Alabama.....	40
--	----

Public health service, U. S.—Cooperation of health authorities with, in venereal disease work—	
--	--

Colorado.....	97
---------------	----

Public health train—Sale—Florida.....	150
---------------------------------------	-----

Public health work—Performance of—Counties and municipalities may contract with each other	
--	--

to secure—California.....	90
---------------------------	----

Public welfare—

Board of—Reports to State board of health by—Georgia.....	160
---	-----

Department of—

Child hygiene bureau—Creation and duties—Idaho.....	180
Establishment, powers, and duties—Nebraska.....	475
General provisions applicable to—Nebraska.....	475
In certain cities—Creation, powers, and duties—Minnesota.....	387
Public health activities placed under—Idaho.....	176

Secretary of—Appointment, powers, duties, and salary—Nebraska.....	475
--	-----

Pupils—

(See also Communicable diseases; Dental hygienists.)

	Page.
Defective—Special education and training for—Pennsylvania	782
Dental clinics for—Establishment and maintenance authorized—Iowa	237
Dental inspection—	
Free annual—Kansas	278
West Virginia	880
Dental treatment—North Carolina	579
Examination of, by teachers for certain physical defects—Nebraska	503
Health of—	
Protection—Alabama	36
Supervision—California	76
Instruction in health matters—Wisconsin	912
Instruction in mouth hygiene—Courses authorized—Iowa	237
Instruction in personal hygiene, community sanitation, and physical education—Maine	334
Medical inspection—	
North Dakota	585
Pennsylvania	779, 781
West Virginia	880
Medical treatment—North Carolina	579
Physical development—Supervision—California	76
Physical examination—	
Alabama	36
North Carolina	579
Protection from communicable diseases—West Virginia	880
Required to be vaccinated or have had smallpox—Pennsylvania	777
Unclean—Exclusion from schools—Oregon	678
Vaccination—	
Georgia	157
Kentucky	300
Oregon	678
Pennsylvania	778

Q.

Quarantine. (See Animals; Communicable diseases; Diphtheria; Influenza; Scarlet fever; Smallpox; State quarantine; Tuberculosis; Venereal diseases; Whooping cough.)

Quarantine station, United States—Establishment and maintenance—Grant of land authorized—Alabama	31
--	----

R.

Rabies—

(See also Animals; Communicable diseases; Morbidity reports.)

Control and eradication—Appropriation—Nevada	506
Dogs in quarantined district not to run at large—Wisconsin	898
In animals—Quarantine—Violation of—New York	555
Killing dogs running at large in quarantined district—Wisconsin	898
State fund—Indiana	206
Treatment—Free for indigent persons—Alabama	28
Railroad cars—	
Cleaning and disinfection—Kentucky	324
Drinking water and drinking cups required on—Minnesota	397
First-aid cabinets required on—Michigan	369
Spitting and spittoons—Kentucky	324
Windows—Screening—Alabama	39
Railroad construction or repair work—Buildings for—	
Erection and maintenance—Minnesota	412
Sanitary requirements—Minnesota	412
Railroad stations—	
Privies—Kentucky	324
Spitting and spittoons—Kentucky	324
Railway cars—	
Interurban—First-aid cabinets required on—Michigan	369
Windows—Screening—Alabama	39
Reelfoot Lake—Prevention of pollution—Tennessee	826
Refineries—	
(See also Employment; Factories.)	
Wash rooms, shower baths, and water-closets—Arizona	52

Refreshment places— (<i>See also</i> Ice cream parlors; Refreshment stands; Soda fountains; Soft drinks.)	Page.
Sanitary regulation—Minnesota	394
Refreshment stands— (<i>See also</i> Ice cream parlors; Refreshment places; Soda fountains; Soft drinks.)	
At fairs, carnivals, etc.—Sanitary regulation—Indiana	218
Refuse— (<i>See also</i> Garbage; Rubbish.)	
Collection and disposal—In third-class cities—Pennsylvania	794
Depositing within 1 mile of incorporated municipalities prohibited—Arizona	52
Disposal—Kentucky	300
In canneries—Disposal—Alaska	47
In factories—Disposal—Alaska	47
Unlawful disposal of, on certain land—North Carolina	575
Refuse disposal plants—	
Construction, alteration, extension, maintenance, and operation—Wisconsin	913
Municipal—Serving other municipalities—Wisconsin	916
Registry—Feeble-minded—Establishment and maintenance—Massachusetts	340
Regulations— (<i>See also</i> Ordinances.)	
By institutions—Approval and effect—Oregon	729
By State board of health—	
Force and effect—Oregon	729
Maine	330
Making and enforcement—Oregon	722
Missouri	419
Publication—Kentucky	327
By village boards of health—Nebraska	490
Communicable disease—	
Adoption and enforcement—Nebraska	475
Distribution of copies—Kentucky	286
Local health authorities authorized to make—Pennsylvania	767
Concerning animals—Authorized—New York	555
Formulation by State dairy commissioner—Tennessee	824
Health—	
Making and publication—Michigan	360
New Mexico	524
Hotels and restaurants—Authorized—Alabama	33
Influenza—Prevention of spread—Authorized—Alaska	44
Local boards of health authorized to adopt—	
Georgia	157
New Jersey	518
Making and publication—Required of State board of health—Florida	150
Summary—By State board of health—Issuance and enforcement—Oregon	729
Swimming pools, bathing places, and bathhouses—By State board of health—Authorized—	
Florida	155
Territorial board of health authorized to make—Hawaii	165
Venereal disease—Adoption—	
Colorado	95
Delaware	123
Florida	147
Michigan	349
Montana	453
Nebraska	475
North Dakota	584
Oregon	704
South Carolina	809
South Dakota	813
Utah	836
Washington	858
Restaurants— (<i>See also</i> Eating and drinking places; Eating places; Hotels.)	
Certificates—Posting—Alabama	33
Employees—Ohio	613
Employment of diseased persons prohibited—Missouri	429
Insanitary conditions—Correction—Alabama	33

Restaurants—Continued.

	Page.
Inspection—	
Alabama.....	33
Nebraska.....	498
Ohio.....	613
Licenses—Ohio.....	613
Registration certificates—Nebraska.....	498
Regulations authorized—Alabama.....	33
Sanitary regulation—	
Kentucky.....	318
Minnesota.....	394
Nebraska.....	498
Ohio.....	613
Oregon.....	737
Sanitary requirements—Alabama.....	33
Septic tanks or privies required when—Kentucky.....	329
Rhode Island.....	806
Rocky Mountain spotted fever—	
(See also Communicable diseases; Morbidity reports.)	
Rodent hosts of causative tick—Extermination—Montana.....	459
Roller towels—	
(See also Common towels.)	
Prohibited in public places—Minnesota.....	402
Rooming houses—	
Inspection—Nebraska.....	498
Registration certificates—Nebraska.....	498
Sanitary regulation—Nebraska.....	498
Rubbish—	
(See also Refuse.)	
Depositing within 1 mile of incorporated municipalities prohibited—Arizona.....	52
Disposal in sanitary districts—Indiana.....	222
Rural sanitation—Cooperative work with United States—Appropriation for—Vermont.....	853

S.

Sanatoria, division of—Establishment in State department of public health—Massachusetts.....	337
Sanatoriums. (See Hospitals.)	
Sanitary districts—	
Act relating to—Ohio.....	624
Bonds—	
California.....	59
Indiana.....	222
Contracts—Indiana.....	222
Garbage disposal—Indiana.....	222
Organization of certain districts legalized and validated—Illinois.....	197
Organization, reorganization, operation, and dissolution—California.....	59
Rubbish disposal—Indiana.....	222
Sanitary boards—Powers—California.....	59
Sewage disposal—Indiana.....	222
Taxes—	
California.....	59
Illinois.....	197, 201
Indiana.....	222
Trustees—	
Annual report of—Indiana.....	222
Appointment, powers, and duties—Indiana.....	222
Filling vacancy in board of—Illinois.....	198
Powers and duties—Illinois.....	199
Water supplies—Prevention of pollution—Illinois.....	198
Sanitary engineer—Employment in county sewer districts—Ohio.....	659
Sanitary engineering—	
Bureau of—Organization and duties—North Carolina.....	576
Department of—Creation and maintenance in certain counties—Ohio.....	659
Sanitary police—Appointment by local boards of health—Ohio.....	604
Sanitary surveys by local health officers—Kentucky.....	300
Sausage—	
(See also Food; Meat food products.)	
Adulterated—When deemed to be—Pennsylvania.....	792
Manufacture and sale—Hawaii.....	166

Scarlet fever—	
(See also Communicable diseases; Morbidity reports.)	Page.
Children removed from infected household—Isolation—Wisconsin.....	893
Contacts—Placarding and quarantine—Pennsylvania.....	775
Disinfection—Wisconsin.....	893
Hospitalization—Wisconsin.....	893
Isolation—Wisconsin.....	893
Quarantine—Wisconsin.....	893
Removal of persons from infected household—Wisconsin.....	893
School attendance—Wisconsin.....	893
School attendance. (See Communicable diseases; Diphtheria; Scarlet fever; Schools.)	
School books. (See Communicable diseases.)	
School children. (See Dental hygienists; Pupils.)	
School health fund in certain cities—Special tax to create—Indiana.....	226
School nurses. (See Nurses.)	
School superintendents. (See Superintendents, school.)	
School teachers. (See Teachers.)	
Schools—	
Attendance or teaching by venereally-infected persons forbidden—Utah.....	838
Building, changing, or condemnation—Appeals from decisions of State board of health relating to—Indiana.....	208
Cleaning and disinfection—Oklahoma.....	675
Defects in—	
Correction—California.....	76
Removal—Kentucky.....	325
Employment of venereally-infected persons prohibited—Kansas.....	277
Erection—Standards for—Oklahoma.....	675
Privies—	
Installation and maintenance—North Carolina.....	578
Oregon.....	747
Required when—Kentucky.....	325
Sanitary supervision—Kentucky.....	300, 325
Sanitation—Alabama.....	36
Septic tanks or privies required when—Kentucky.....	320
Water-closets—Oregon.....	747
Seats for female employees. (See Female employees.)	
Septic sore throat. (See Communicable diseases; Morbidity reports.)	
Septic tanks—Required at hotels, restaurants, schools, etc., when—Kentucky.....	320
Sewage disposal—	
In sanitary districts—Indiana.....	222
Oregon.....	743
Unlawful on certain land—North Carolina.....	575
Sewage disposal plants—	
Construction, alteration, extension, maintenance, and operation—Wisconsin.....	913
County sewer districts—Acquisition, construction, maintenance, and operation—Ohio.....	659
Maintenance and operation—Special tax for, in cities under 50,000—Kansas.....	281
Municipal—Serving other municipalities—Wisconsin.....	916
Of boroughs—Extension of service outside borough limits—Pennsylvania.....	795
Sewage treatment plants—	
County sewer districts—Acquisition, construction, maintenance, and operation—Ohio.....	659
Joint municipal—Construction and maintenance—New Jersey.....	523
Municipal—Operation and supervision—Michigan.....	366
Operators—Names to be furnished State board of health—Florida.....	154
Overflow from—Discharge into drainage ditches—Minnesota.....	399
Superintendents and operators in charge of—Examination and licensing—New Jersey.....	520
Sewer districts, county—	
Establishment and maintenance—Ohio.....	659
Sanitary engineer—Employment—Ohio.....	659
Sewers and sewage treatment or disposal works—Acquisition, construction, maintenance, and operation—Ohio.....	659
Water supplies—Acquisition, construction, maintenance, and operation of—Ohio.....	621
Waterworks—Acquisition, construction, maintenance, and operation of—Ohio.....	621
Sewerage systems—	
Construction, alteration, extension, maintenance, and operation—Wisconsin.....	913
Establishment—West Virginia.....	881
Installation—Permit required—Oregon.....	746
Installation or alteration—Approval of plans and specifications—Kentucky.....	315

	Page.
Sewerage systems—Continued.	
Municipal—Serving other municipalities—Wisconsin	916
Of boroughs—Extension of service outside borough limits—Pennsylvania	795
Plans—West Virginia	881
Sewers—	
Connections with—	
Acquisition by certain cities of interests in land for making—Alabama	39
Iowa	245
May be required by ordinance—Wisconsin	918
Construction and maintenance jointly by municipalities or sanitary districts—California	88
County sewer districts—Acquisition, construction, maintenance, and operation—Ohio	659
Outlet or trunk—Joint municipal—	
Enlargement—New Jersey	523
Maintenance and operation—New Jersey	522
Sexual ailments—	
(See also Generative organs; Morbidity reports; Syphilis; Venereal diseases.)	
Advertisements relating to, prohibited—	
California	57
Utah	841
West Virginia	879
Sexual intercourse. (See Venereal diseases.)	
Shaving brushes—Treatment to destroy anthrax germs required—New York	570
Shower baths—	
Coal mines—Arkansas	56
Smelters, refineries, and foundries—Arizona	52
Shuttles—Threading—Appliances for, required—Connecticut	119
Slaughterhouses—Sanitary regulation—Kentucky	310
Slaughtering—	
In third-class cities—Pennsylvania	795
Inspection of carcasses—Massachusetts	339
Sanitary regulation—Kentucky	310
Smallpox—	
(See also Communicable diseases; Morbidity reports; Vaccination.)	
Contacts—Placarding and quarantine—Pennsylvania	775
Hospitalization—Kentucky	286
Isolation—Kentucky	286
Quarantine—Kentucky	286
Smelters—	
(See also Employment; Factories.)	
Wash rooms, shower baths, and water-closets—Arizona	52
Smoke—Places of employment—Prevention—Missouri	444
Sneezing—Nose and mouth to be covered—Kentucky	317
Social insurance and child welfare—Commission on—Appointment, powers, and duties—Indiana	227
Soda fountains—	
(See also Refreshment places; Refreshment stands; Soft drinks.)	
Sanitary regulation—Ohio	609
Utensils—Sterilization—	
Hawaii	168
Ohio	609
Soda water. (See Bottles; Soft drinks.)	
Soft drinks—	
(See also Bottles; Refreshment places; Refreshment stands; Soda fountains.)	
Bottles used for—Sterilization, labeling, and kind—Michigan	366
Contents—Montana	472
Establishments where manufactured—Sanitation—Michigan	366
Keeping and sale—Kentucky	301
Labeling—Montana	472
Manufacture—	
Michigan	366
North Carolina	574
Manufacture and bottling—Philippine Islands	798
Manufacture, bottling, labeling, and sale—Ohio	606
Misbranded—When deemed to be—Pennsylvania	793
Places where prepared—	
Employees—Montana	472
Sanitary regulation—Montana	472

Soft drinks—Continued.	
Places where prepared or sold—	Page.
Placarding when insanitary—Florida.....	152
Screening required—Florida.....	152
Receptacles—Kentucky.....	301
Utensils used in manufacture—Sanitation—Michigan.....	366
South Carolina.....	809
South Dakota.....	813
Spitting—	
In public places during influenza outbreak—Illinois.....	186
Prohibited in public places—Kentucky.....	317
Railroad cars—Kentucky.....	324
Railroad stations—Kentucky.....	324
Spittoons—	
Railroad cars—Kentucky.....	324
Railroad stations—Kentucky.....	324
Sputum. (<i>See</i> Tuberculosis.)	
State aid. (<i>See</i> Clinics; Dispensaries; Health officers; Hospitals; Institutions; Wards.)	
State quarantine—	
Discontinued—Pennsylvania.....	786
Lease or sale of property to United States—Pennsylvania.....	786
Offices abolished—Pennsylvania.....	786
Sale of property to United States authorized—Texas.....	831
Stereopticon views relating to venereal diseases—Exhibition—Permit required—Connecticut.....	107
Stillbirth—Definition—Kansas.....	281
Stream pollution—	
Correction of conditions causing—Ohio.....	616
Investigations and experiments—Law authorizing payments for, repealed—Connecticut.....	117
Sulphur for sulphuring fruits or other foods—Sale and use—California.....	83
Superintendents, school—Health certificates required of, annually—North Carolina.....	580
Surface closets—How required to be constructed—Florida.....	154
Swimming pools—	
Construction, operation, or maintenance—Permits—Florida.....	155
Examination and investigation—Florida.....	155
Regulations by State board of health authorized—Florida.....	155
When deemed nuisances—Florida.....	155
Swimming pools and appurtenances, public—Construction and operation—California.....	90
Swine. (<i>See</i> Animals.)	
Syphilis—	
(<i>See also</i> Communicable diseases; Generative organs; Morbidity reports; Sexual ailments; Venereal diseases.)	
Marriage of infected persons unlawful—Maine.....	329

T.

Teachers—	
Health certificates may be required from—West Virginia.....	880
Health certificates required annually—North Carolina.....	580
Health certificates showing freedom from tuberculosis required—Arkansas.....	55
Health education required of—Utah.....	842
Physical and sputum examinations for tuberculosis—Arkansas.....	55
Smallpox vaccination—Kentucky.....	300
Venereally infected persons forbidden to teach—Utah.....	838
Tenement houses—	
Rooms containing water-closets—Ventilation—Connecticut.....	117
Water-closets—	
New York.....	564
Number—Connecticut.....	117
Tennessee.....	823
Tetanus. (<i>See</i> Antitoxin; Communicable diseases; Morbidity reports.)	
Texas.....	831
Theaters—	
(<i>See also</i> Amusement—Places of.)	
Air space—Utah.....	847
Aisles—Width of—Utah.....	847
Cleaning—Kentucky.....	325
Heating—Kentucky.....	325
May be closed during epidemic—Kentucky.....	325

Theaters—Continued.	
Moving picture—	Page.
Air space—South Dakota.....	822
Cleaning—South Dakota.....	822
Heating—South Dakota.....	822
Seating space—South Dakota.....	822
Ventilation—South Dakota.....	822
Permit required from State board of health—Kentucky.....	325
Relative humidity—Utah.....	847
Sanitary supervision—Kentucky.....	300
Seating space—Utah.....	847
Temperature—Utah.....	847
Ventilation—	
Kentucky.....	325
Utah.....	847
Toilet rooms—	
Foundries—Missouri.....	446
Foundries and certain mills—Establishment, maintenance, and sanitation—Pennsylvania.....	796
Toilets—	
(See also Privies; Water-closets.)	
Buildings where persons are employed—Connecticut.....	118
Canneries—Alaska.....	47
Factories—	
Alaska.....	47
Arkansas.....	55
Connecticut.....	118
Female employees—Required for—Oklahoma.....	676
Towels. (See Common towels; Roller towels.)	
Towns, unincorporated—Cleanliness—New Mexico.....	538
Trachoma. (See Communicable diseases; Morbidity reports.)	
Train, public health—Sale—Florida.....	150
Trained attendants to care for sick—Examination and licensing—California.....	75
Training school for mental defectives. (See Mental defectives.)	
Trichinosis. (See Communicable diseases; Morbidity reports.)	
Tropical medicine and hygiene. (See Institute of tropical medicine and hygiene.)	
Tuberculin—	
Disposition and use—New York.....	555
Regulations governing—State board of agriculture authorized to issue—Oklahoma.....	672
Sale—Connecticut.....	116
Sale and use—Iowa.....	239
Use—Reports concerning—Connecticut.....	116
Tuberculosis—	
(See also Animals; Camps; Communicable diseases; Dispensaries; Hospitals; Morbidity reports; Nurses; Wards.)	
Bureau of—Creation—Oklahoma.....	667
Care and treatment of infected persons—Iowa.....	229
Disinfection—Oregon.....	703
Health certificate showing freedom from—Teachers required to have—Arkansas.....	55
Hospital care by counties of certain patients—Massachusetts.....	337
Hospital districts—Creation—Idaho.....	172
Hospitalization—Delaware.....	122
Infected persons who do not protect others—Commitment to institutions—Iowa.....	236
Infected prisoners—Segregation and treatment—Alabama.....	29
Physical examination of teachers for—Arkansas.....	55
Placarding—Delaware.....	122
Precautions by infected persons—Delaware.....	122
Procedure in cases of—Kentucky.....	296
Quarantine—	
Delaware.....	122
Pennsylvania.....	775
Regulation of patients—Oregon.....	682
Reports of cases—	
Delaware.....	122
Maine.....	328
Oregon.....	703
Residence of infected person—Change to be reported—	
Hawaii.....	165
Oregon.....	703

Tuberculosis—Continued.	Page.
Sputum—Examination of, for teachers—Arkansas.....	55
State commission—	
Annual appropriation—Alabama.....	30
Creation, appointment, compensation, powers, and duties—Idaho.....	172
Treatment and prevention—Tax levy in first-class cities for—Indiana.....	209
Typhoid fever—	
(See also Communicable diseases; Morbidity reports; Vaccination.)	
Blood samples in suspected cases—Kentucky.....	286
Convalescents or carriers discharged from hospitals—Reports of—Minnesota.....	375
Isolation—Minimum period—New York.....	541
Prevention of spread—Minnesota.....	375
Reports of cases by hospitals to State board of health—Minnesota.....	375

U.

Uncinariasis. (See Communicable diseases; Hospitals; Morbidity reports.)	
Undertakers—	
(See also Communicable diseases; Embalmers; Embalming.)	
Assistants to—Issuance of certificates to—State board of health to be notified—Delaware.....	131
Duties concerning communicable diseases—Kentucky.....	286
Issuance of certificates to—State board of health to be notified—Delaware.....	131
Registration—Wisconsin.....	902
United States Public Health Service—Cooperation of health authorities with, in venereal disease work—Colorado.....	97
United States quarantine station—Establishment and maintenance—Grant of land authorized—Alabama.....	31
Utah.....	836
Utensils. (See Common eating and drinking utensils; Eating and drinking places; Eating places; Food; Ice cream parlors; Soda fountains.)	

V.

Vaccination—	
Not a condition precedent—North Dakota.....	585
Smallpox—	
Certificates regarding—Pennsylvania.....	778
Employees—Kentucky.....	300
Free for indigent persons—Delaware.....	122
How done—Kentucky.....	300
Kentucky.....	286
New Mexico.....	524
Pupils—	
Georgia.....	157
Kentucky.....	300
Oregon.....	678
Pennsylvania.....	777, 778
Required before child becomes 1 year of age—Kentucky.....	300
Teachers—Kentucky.....	300
Typhoid fever—Free for indigent persons—Delaware.....	122
Vaccine—	
(See also Antitoxin; Biologic products.)	
Free—Kentucky.....	286
Vegetation—	
(See also Grasses.)	
Obnoxious growths of—Cutting and destruction in first-class cities—Kansas.....	285
Vehicles used in transporting food—Nebraska.....	493
Venereal diseases—	
(See also Assignment; Communicable diseases; Generative organs; Hospitals; Institutions; Lewdness; Marriages; Morbidity reports; Prisoners; Prostitutes; Prostitution; Regulations; Schools.)	
Advertisements concerning—	
Alabama.....	1
California.....	57
Georgia.....	158
Oregon.....	704, 705
Utah.....	841
West Virginia.....	879
Wisconsin.....	894

Venereal diseases—Continued.

Appropriations—	Page.
Delaware.....	123
Iowa.....	230
Michigan.....	349
Utah.....	836
Vermont.....	848
Authorized deputies of State board of health—Georgia.....	158
Bond or cash guaranty in lieu of quarantine—Iowa.....	230
Cases deemed not communicable when—	
Delaware.....	124
Montana.....	456
Wisconsin.....	895
Certificates of freedom from—	
Alabama.....	1
Iowa.....	230
Kansas.....	271
Kentucky.....	297
Minnesota.....	376
Missouri.....	415
Montana.....	453
Nebraska.....	486
Oregon.....	705
Utah.....	838
Wisconsin.....	895
Change of residence by infected person—	
Kansas.....	271
Montana.....	456
Circular of information for patient—	
Alabama.....	1
Delaware.....	124
Iowa.....	230
Kentucky.....	297
Massachusetts.....	336
Minnesota.....	376
Missouri.....	415
Montana.....	453
Wisconsin.....	895
Circular of instructions for patient—Kansas.....	271
Clinics—	
Colorado.....	97
Establishment and conduct—Washington.....	858
Copy of law for patient—Iowa.....	230
Copy of rules for patient—Delaware.....	124
Cure—False statements of, by physicians unlawful—Oklahoma.....	665
Detention and treatment of certain suspected persons—New Hampshire.....	515
Detention of suspected persons—Delaware.....	123
Diagnosis—	
Additional examination to confirm—Kansas.....	271
Confirmation by laboratory examinations—Washington.....	858
Delaware.....	124
Dispensaries—Maintenance—Alabama.....	1
Division of—	
Establishment—Colorado.....	95
Establishment and duties—Nebraska.....	486
Donations by counties and municipalities to State board of health to assist enforcing act—Florida.....	147
Duties of dentists—Colorado.....	97
Duties of health authorities—	
Delaware.....	124
Missouri.....	415
Utah.....	838
Wisconsin.....	895
Examination of certain persons under arrest—	
New York.....	544
Wisconsin.....	895

Venereal diseases—Continued.

Examination of suspected persons—	Page.
Colorado.....	95
Delaware.....	123
Florida.....	147
Iowa.....	230
Kansas.....	271
Kentucky.....	297
Michigan.....	344
Minnesota.....	376
Montana.....	453
Nebraska.....	486
New Hampshire.....	515
New York.....	544
North Carolina.....	571, 572
North Dakota.....	584
Oregon.....	704, 705
South Carolina.....	809
Utah.....	836, 838
Washington.....	858
Examination, segregation, and treatment of persons charged with crime—Illinois.....	188
Exposure of others by infected person unlawful—	
Alabama.....	1
Colorado.....	95, 97
Delaware.....	123
Florida.....	147
Kentucky.....	297
Minnesota.....	376
Missouri.....	415
Montana.....	453
Nebraska.....	486
North Carolina.....	571
North Dakota.....	584
Oklahoma.....	665
Oregon.....	704, 705
South Carolina.....	809
South Dakota.....	813
Utah.....	836, 838
Washington.....	858
Hospitalization—	
Delaware.....	124
Michigan.....	344
Infected persons—Removal to other health jurisdictions—Delaware.....	124
Infected women—	
Commitment—Washington.....	858
Commitment to State detention home and treatment—Colorado.....	104
Information and advice to be given patient—Utah.....	836
Information regarding—	
Dissemination to the public—Michigan.....	349
To be confidential—Oregon.....	705
Information to patients—Colorado.....	97
Instructions to be given patient—	
Kentucky.....	297
Minnesota.....	376
Missouri.....	415
Montana.....	453
Nebraska.....	486
Oregon.....	705
Utah.....	838
Wisconsin.....	895
Internment—Iowa.....	230
Isolation—	
Alabama.....	1
Colorado.....	95
Delaware.....	123, 124
Florida.....	147
Hospitals—Montana.....	453
Iowa.....	230

Venereal diseases—Continued.

Isolation—Continued.	Page.
Kansas.....	271
Labor by persons under—Georgia.....	158
Michigan.....	344
Montana.....	453
Nebraska.....	486
North Carolina.....	571
North Dakota.....	584
Oregon.....	704
South Carolina.....	809
South Dakota.....	813
Utah.....	836, 838
Washington.....	858
Laboratory examinations—	
Collection and submission of specimens—New York.....	542
Colorado.....	97
Free—	
Nebraska.....	486
Vermont.....	849
Georgia.....	158
Kentucky.....	297
Minnesota.....	376
Oregon.....	705
Utah.....	836
Laboratory reports—Minnesota.....	376
Literature for free distribution—Preparation—Utah.....	836
Literature for patient—	
Nebraska.....	486
Oregon.....	705
Utah.....	838
Literature on—Distribution—Vermont.....	849
Marriage by infected persons unlawful—	
Oklahoma.....	665
Vermont.....	848
Medicine—	
Advertising of, unlawful—Utah.....	838
Furnishing to clinical patients—Vermont.....	849
Prescribing, dispensing, and sale—North Carolina.....	572
Prescribing or compounding—Kentucky.....	297
Prescribing, recommending, or compounding—	
Missouri.....	415
Montana.....	453
Prescriptions not to be refilled—Alabama.....	1
Record of sales by druggists of certain drugs—Vermont.....	848
Sale—	
Alabama.....	1
Colorado.....	95, 97
Iowa.....	230
Michigan.....	349
Minnesota.....	376
Nebr s'ta.....	486
Oklahoma.....	665
Oregon.....	704
Sold only on physician's prescription—	
Utah.....	840
Wisconsin.....	894
Parole of certain persons—Oregon.....	705
Persons deemed infected when—Nebraska.....	486
Placarding—	
Delaware.....	124
Minnesota.....	376
Premises of infected prostitutes—Colorado.....	97
Wisconsin.....	895
Powers and duties of health authorities—	
Colorado.....	97
Iowa.....	230
North Carolina.....	571
Wisconsin.....	894

Venereal diseases—Continued.

	Page.
Prevention of spread—	
Alabama.....	1
Alaska.....	41
Procedure by local health officers when informed of cases—	
Kansas.....	275
Montana.....	456
Prohibited occupations—	
Colorado.....	97
Delaware.....	124
Kansas.....	271
Montana.....	456
Oregon.....	705
Utah.....	838
Wisconsin.....	895
Quarantine—	
Additional examination of persons under—Georgia.....	158
Alabama.....	1
Appeals by persons under—Washington.....	858
Colorado.....	95
Delaware.....	123
Form for release from—Georgia.....	158
Iowa.....	230
Kansas.....	271
Kentucky.....	297
Michigan.....	344, 349
Minnesota.....	376
Missouri.....	415
Montana.....	453
North Carolina.....	571
North Dakota.....	584
Oregon.....	701, 705
Pennsylvania.....	777
South Dakota.....	813
Utah.....	836, 838
Washington.....	858
Wisconsin.....	895
Quarantine districts—Establishment—Washington.....	858
Quarantine stations—Establishment and conduct—Washington.....	858
Records—	
By druggists—Delaware.....	124
Keeping by physicians—Colorado.....	97
To be confidential—	
Iowa.....	230
Kansas.....	271
Kentucky.....	297
Missouri.....	415
Montana.....	453
Nebraska.....	486
Oklahoma.....	665
Utah.....	838
Wisconsin.....	895
Reporting by infected persons to physicians for examination and treatment—Oklahoma.....	665
Reports—	
By druggists—	
Colorado.....	95, 97
Delaware.....	124
Kansas.....	271
Michigan.....	349
Montana.....	453
North Carolina.....	572
By local health officers—Colorado.....	97
By private diagnostic laboratories—Michigan.....	344
To be confidential—	
Delaware.....	124
Florida.....	147
Iowa.....	230

Venereal diseases—Continued.

Reports—Continued.

To be confidential—Continued.

	Page.
Minnesota.....	376
Vermont.....	848
To military and naval authorities—Delaware.....	124
Reports of cases. (<i>See</i> Morbidity reports.)	
Segregation of infected persons—Illinois.....	188
Serving infected persons in certain places prohibited—	
Kansas.....	271
Montana.....	456
Sexual intercourse by infected persons unlawful—	
Florida.....	147
Iowa.....	230
Vermont.....	848
State detention home for infected women—Establishment and maintenance—Colorado.....	104
State quarantine camp for men—Regulations governing—Kansas.....	277
Stereopticon views or motion pictures relating to—Exhibition—Permit required—Connecticut..	107
Termination of cases—Reports of—Delaware.....	124
Travel by infected persons—	
Kansas.....	271
Montana.....	456

Treatment—

By persons not physicians—Oklahoma.....

665

By physicians only—

Alabama.....	1
Oregon.....	705
Colorado.....	95
Compulsory—Alabama.....	1
Delaware.....	123
Florida.....	147
For indigent persons—Delaware.....	124
Free—Delaware.....	129
Illinois.....	188
Iowa.....	230
Michigan.....	349
Minnesota.....	376
Montana.....	453
Nebraska.....	486
North Carolina.....	571
North Dakota.....	584
Oregon.....	704
Recording of dates of, by physicians—Alabama.....	1
South Carolina.....	809
South Dakota.....	813
Utah.....	836
Washington.....	858
Wisconsin.....	894

Vermont.....	848
--------------	-----

Veterinarians—Revocation of licenses when drug addicts or convicted of violating drug act—Delaware.....

133

Villages, unincorporated—Cleanliness—New Mexico.....	538
--	-----

Vital statistics. (*See* Births; Deaths; Marriages.)

W.

Wards, tuberculosis—

Establishment and maintenance—California.....	57
State aid—California.....	57

Wash houses—Coal mines—Arkansas.....	56
--------------------------------------	----

Wash rooms—

Canneries—Alaska.....	47
Coal mines—Ohio.....	663
Factories—	
Alaska.....	47
Arkansas.....	55

For employees—New York.....	569
-----------------------------	-----

Requirements in certain employments—Illinois.....	203
---	-----

Smelters, refineries, and foundries—Arizona.....	52
--	----

	Page.
Washington.....	858
Waste, liquid—Discharge, into streams, etc., by industrial plants—Michigan.....	367
Water—	
Aerated—Manufacture and bottling—Philippine Islands.....	798
Bottled—	
Analysis—Indiana.....	219
Deleterious to health—Sale and use unlawful—Indiana.....	219
Carbonated—Manufacture, importation, or bottling—Florida.....	153
Drainage of pits, cuts, and fills likely to impound—Alabama.....	1
Drinking—	
Analysis—	
By State board of health—Missouri.....	438
Indiana.....	219
Canneries—Alaska.....	47
Deleterious to health—Sale and use unlawful—Indiana.....	219
Factories—Alaska.....	47
Hotels, houses, cottages, etc., offering board, etc., to temporary guests—Maryland.....	335
Required on railroad passenger cars—Minnesota.....	397
Furnish to inhabitants of towns and cities—Protection from pollution—Oregon.....	741
Mineral—	
Analysis—Indiana.....	219
Deleterious to health—Sale and use unlawful—Indiana.....	219
Manufacture, importation, or bottling—Florida.....	153
Natural—Importation or bottling—Florida.....	153
Places where women or children under 18 work—Porto Rico.....	803
Spring—Importation or bottling—Florida.....	153
Water-closets—	
(See also Privies; Toilets.)	
Dwellings—Installation in—Minnesota.....	399
Factories—Missouri.....	445
For employees—New York.....	569
Foundries and certain mills—Establishment, maintenance, and sanitation—Pennsylvania.....	796
Places of employment—	
Nebraska.....	504
West Virginia.....	889
Schools—Oregon.....	747
Smelters, refineries, and foundries—Arizona.....	52
Tenement houses—	
New York.....	564
Number—Connecticut.....	117
Ventilation of rooms containing—Connecticut.....	117
To be made fly proof—Minnesota.....	375
Workshops—Missouri.....	445
Water connections may be required by ordinance—Wisconsin.....	918
Water filtration plants—Construction and installation in certain cities—Issuance and sale of bonds—	
Minnesota.....	398
Water mains—Construction and maintenance jointly by municipalities or sanitary districts—California.....	88
Water supplies—	
Analyses—	
Alabama.....	1
California.....	84
Oregon.....	743
Cross connections—California.....	84
Emergency—Regulation by State board of health—New Hampshire.....	515
In county sewer districts—Acquisition, construction, maintenance, and operation—Ohio.....	621
In municipalities of 5,000 or less—	
Prevention of pollution—Texas.....	833
Tests—Texas.....	833
Inspection—Oregon.....	743
Installation or alteration—Approval of plans and specifications—Kentucky.....	315
Investigation and protection—Connecticut.....	117
Need of—Investigation and report—Massachusetts.....	339
Plans—Approval—Oregon.....	743
Pollution—	
Correction of conditions causing—Ohio.....	616
Investigation—Connecticut.....	116

Water supplies—Continued.	
Pollution—Continued.	
Prevention—	Page.
California.....	84
Connecticut.....	116
Kentucky.....	315
Oregon.....	743, 746
Sanitary districts—Prevention of pollution—Illinois.....	198
Supervision and regulation—	
Alabama.....	1
Wisconsin.....	913
Systems—	
Establishment of—West Virginia.....	881
Plans for—West Virginia.....	881
Water containing salt or minerals—Exclusion of, from supplies—Kansas.....	280
Water-treatment plants—	
Operation—Records to be submitted to State board of health—Florida.....	154
Superintendents and operators in charge of—Examination and licensing—New Jersey.....	520
Watercourses—Pollution—Prevention—Appropriation—Nevada.....	513
Waters of the State—Pollution—	
Elimination—Investigation of methods of—New York.....	554
Extent and character—Investigation of—New York.....	554
Investigation—Connecticut.....	117
Prevention—	
Illinois.....	195
Indiana.....	218
South Dakota.....	819
Waterworks—	
Construction, alteration, extension, maintenance, and operation—Wisconsin.....	913
In county sewer districts—Acquisition, construction, maintenance, and operation—Ohio.....	621
Installation—Permit required—Oregon.....	746
Weeds—Cutting and destruction—	
In first-class cities—Kansas.....	285
North Dakota.....	587
West Virginia.....	878
Whey—Cans for—Use for other purposes prohibited—Wyoming.....	928
Whooping cough—	
(See also Communicable diseases; Morbidity reports.)	
Quarantine—Pennsylvania.....	775
Wisconsin.....	891
Women. (See Employment; Female employees.)	
Wood alcohol—	
Containers in which offered for sale—Labeling—Hawaii.....	170
Food, drugs, or preparations containing—Sale or distribution—Pennsylvania.....	793
Labeling and sale—Massachusetts.....	342
Preparations containing—	
Containers in which offered for sale—Labeling—Hawaii.....	170
Labeling and sale—Massachusetts.....	342
Workshops—	
Dust—Prevention—Missouri.....	445
Privies—Missouri.....	445
Ventilation—Missouri.....	445
Water-closets—Missouri.....	445
Wyoming.....	927
Y.	
Yellow fever—	
(See also Communicable diseases; Morbidity reports.)	
Epidemic of—Law allowing extra expenditures in case of, repealed—Connecticut.....	106

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